

ORDINANCE NO. BC-2459

AN ORDINANCE INCORPORATING BY REFERENCE THE 2003 INTERNATIONAL BUILDING CODE AND REFERENCED STANDARDS AND SPECIFIED APPENDICES; SPECIFICALLY DESCRIBING AND DECLARING CERTAIN PORTIONS OF THAT CODE DELETED, REVISED, AMENDED, OR CHANGED AS INCORPORATED; AMENDING AND REPEALING SECTIONS 16.100.100, 16.100.101.1, 16.100.101.4.1, 16.100.103.1, 16.100.103.2, 16.100.105.1.3, 16.100.105.2, 16.100.105.3.4, 16.100.105.3.5, 16.100.105.3.6, 16.100.105.3.7, 16.100.105.3.8, 16.100.105.3.9, 16.100.105.5, 16.100.108.2, 16.100.112.1.1, 16.100.112.1.2, 16.100.112.1.3, 16.100.112.2.1, 16.100.112.3.1, 16.100.113.3, 16.100.113.4, 16.100.113.5, 16.100.903.3.7, 16.100.903.4.3.1, 16.100.3103.1.1, 16.110.100, 16.110.102.5.1, 16.110.103, 16.110.120, 16.110.306.5, 16.110.310.1, 16.110.328, 16.110.403.1.1.1, 16.110.403.1.1.2, 16.110.403.1.6.2, 16.110.404.1.3, 16.110.506.2.4, 16.110.801.3, 16.110.901.2, 16.110.901.3, 16.110.3103.1, 16.120.100, 16.120.103, 16.120.105.1, 16.120.105.6.15, 16.120.105.6.21, 16.120.105.6.31, 16.120.108, 16.120.109.3, 16.120.111.4, 16.120.307.2, 16.120.307.3, 16.120.310.2, 16.120.505.1, 16.120.506.2, 16.120.901.4.5, 16.120.903.3.7, 16.120.906.1, 16.120.913.4, 16.120.3301.1.3, 16.120.3304.1, 16.120.3305, 16.120.3403.6.3.2, 16.120.3404.2.11.5.2, 16.120.3404.2.12.3, 16.120.3404.2.13.1.3, 16.120.3404.2.13.1.4, 16.130.100, 16.130.103, 16.130.108, 16.130.305.6.1, 16.130.305.6.2, 16.130.312.6, 16.130.312.9, 16.130.504.3, 16.130.701.2.1, 16.130.715.1, 16.130.904.1, 16.130.1101.1, 16.130.1301, 16.140.100, 16.140.102.10, 16.140.103, 16.140.106.3, 16.140.107, 16.150.100, 16.150.101.3.1, 16.150.103, 16.150.106, 16.150.107, 16.160.100, 16.160.310.14, 16.170.100, 16.170.130, 16.180.100, 16.180.101.2, 16.180.101.3, 16.180.102.2, 16.180.103, 16.180.106.3, 16.180.107, 16.180.302.2, 16.180.403.1.6, 16.180.404, 16.180.405.2.5, 16.180.405.2.6, 16.180.406.1, 16.180.505.11, 16.180.603.1, 16.180.605.1, 16.180.605.3, 16.180.605.5, 16.180.605.10, 16.180.702.2.1, 16.180.802.2, 16.180.802.7.1, 16.180.805.1, 16.180.903.6.4, 16.180.1202.7, 16.190.100, 16.190.101.1, 16.190.101.5, 16.190.102.3, 16.190.103, 16.190.107.4, 16.190.108.1.4, 16.190.110.1.1, 16.190.111, 16.190.112, 16.190.602.3, 16.190.602.4, 16.190.800; ADDING NEW SECTIONS 16.100.101.2, 16.100.310.2, 16.100.507.2, 16.100.907.9.1.5, 16.100.1019.1.7, 16.100.3410.2, 16.110.101.2, 16.110.301.2(1), 16.110.309.7, 16.110.321.1, 16.110.321.2, 16.110.602.10.5, 16.110.703.6, 16.110.703.6.2.2, 16.110.1101.2, 16.110.1102.1, 16.110.3802.11, 16.120.101.2, 16.120.102.6, 16.120.105.7.12, 16.120.308.3.1.1, 16.120.407.2, 16.120.503.3, 16.120.508.1, 16.120.508.4, 16.120.508.5.2, 16.120.510.1, 16.120.804.1.1, 16.120.1019.1.7, 16.120.2403.2, 16.120.D103.1, 16.120.D104.1, 16.120.D107.1, 16.130.101.2, 16.130.312.1, 16.130.1301.1, 16.140.101.2, 16.160.080, 16.160.210.12, 16.160.334.10, 16.170.101.2, 16.170.101.4, 16.170.601.2, 16.170.802.1, 16.170.802.2, 16.170.830, 16.180.403.5, 16.190.102.7, 16.190.108.6, 16.190.304.2, 16.190.304.3.1, 16.190.304.7, 16.190.304.14; AND REPEALING SECTIONS 16.100.105.3, 16.100.105.3.9, 16.100.110.4, 16.100.907.1.4, 16.100.1003.3.1.8, 16.100.1005.3.2.4, 16.100.1106.7, 16.110.301, 16.110.301.8, 16.110.309.6, 16.110.315.1, 16.110.325.1, 16.110.325.2, 16.110.401.4.2, 16.110.1102.1.5.1, 16.120.101.2.1.1, 16.120.101.6, 16.120.102.6.1, 16.120.105.1.1, 16.120.307.2.2, 16.120.307.3.3, 16.120.307.5, 16.120.307.5.1, 16.120.407.2.1, 16.120.503.3.1, 16.120.505.1.1, 16.120.508.1.1, 16.120.508.4.1, 16.120.508.5.1, 16.120.508.5.2.1, 16.120.508.5.2.2, 16.120.510.1.1, 16.120.804.1, 16.120.903.4.1, 16.120.1003.2.2.11, 16.120.1005.3.2.4, 16.120.2401.2, 16.120.2703.5, 16.130.101.2.1, 16.130.403.2, 16.140.101.5,

16.150.101.6, 16.170.101.3.1.3, 16.180.102.4, 16.180.403.1, 16.180.404, 16.180.1001, 16.190.108.7, 16.190.303.2, 16.190.303.3.1, 16.190.303.7, AND 16.190.303.14.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. Overland Park Municipal Code Section 16.100.100 is hereby amended to read as follows:

16.100.100 Building Code – Incorporation

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2003 International Building Code, dated December, 2003, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2003 International Building Code shall be marked Official Copy as Adopted by Ordinance No. BC-2459 to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 2. Overland Park Municipal Code Section 16.100.101.1 is hereby amended to read as follows:

16.100.101.1

Section 101.1 of the 2003 International Building Code is hereby amended to read as follows:

101.1 Title. The 2003 International Building Code, as published by the International Code Council, Inc., and the deletions, changes, and additions contained in the Overland Park Municipal Code, Chapter 16.100 through 16.190, shall be known as the Building Code of the City of Overland Park, Kansas, hereinafter referred to as "this code" or "the Building Code."

SECTION 3. Overland Park Municipal Code Section 16.100.101.2 is hereby added to read as follows:

16.100.101.2

Section 101.2 of the 2003 International Building Code is hereby amended to read as follows:

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one-and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

SECTION 4. Overland Park Municipal Code Section 16.100.101.4.1 is hereby amended to read as follows:

16.100.101.4.1

Section 101.4.1 of the 2003 International Building Code is hereby amended to read as follows:

101.4.1 Electrical. The provisions of the NFPA 70 National Electrical Code, 2002 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

SECTION 5. Overland Park Municipal Code Section 16.100.103.1 is hereby amended to read as follows:

16.100.103.1

Section 103.1 of the 2003 International Building Code is hereby amended to read as follows:

103.1 Creation of Enforcement Agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the "Building Official." The term "Code Official," "authority having jurisdiction," and/or "Code Administrator" shall be used synonymously with the term "Building Official" and the term "Building Safety Division" shall be used synonymously with the term "Department of Building Safety."

SECTION 6. Overland Park Municipal Code Section 16.100.103.2 is hereby amended to read as follows:

16.100.103.2

Section 103.2 of the 2003 International Building Code is hereby deleted.

SECTION 7. Overland Park Municipal Code Section 16.100.105.1.3 is hereby amended to read as follows:

16.100.105.1.3

Section 105.1.3 of the 2003 International Building Code is hereby added to read as follows:

105.1.3 County License Required. Effective January 1, 2002, all persons undertaking work which requires a permit as provided in Section 105, or seeking to obtain that permit from the City, are required to have a currently valid Johnson County contractors license. That County license shall have been issued by the County in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

SECTION 8. Overland Park Municipal Code Section 16.100.105.2 is hereby amended to read as follows:

16.100.105.2

Section 105.2 of the 2003 International Building Code is hereby amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorizations for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required as provided for in this section:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
2. Re-roofing and re-siding.
3. Temporary structures 900 square feet or less in area with an occupant load of 50 or less (IBC Section 3103).
4. Retaining walls, which are not over 4 feet in height measured from the bottom of the footing grade on the low side to the top of the wall, unless supporting a surcharge or impounding Class I, II, III-A liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches above grade and not over any basement or story below and which are not part of an accessible route. Note: right-of-way work permits are required for sidewalk or driveway installation or replacement in the public right-of-way.
7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not

including service systems.

11. Swings and other playground equipment accessory to one- and two-family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3, as applicable to Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches in height.
14. Arbors or shade structures a minimum 50 percent open at the top with no member wider than 2 inches in a horizontal plane and incapable of accumulating ice or snow.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps and receptacles, or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, sinks, and lavatories in the same location.

SECTION 9. Overland Park Municipal Code Section 16.100.105.3.4 is hereby amended to read as follows:

16.100.105.3.4

Section 105.3.4 of the 2003 International Building Code is hereby added to read as follows:

105.3.4 Potable water certification. A permit shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory potable water supply. Applicants from areas within the corporate limits of the City that are also within areas under the jurisdiction of a duly constituted water district shall submit a connection permit or notice of intent to supply water service from the water district. Applicants from areas within the corporate limits of the City that are not within an area under the jurisdiction of a duly constituted water district shall submit a certificate from the Johnson County Health Director that the proposed water supply meets the required standards for health and safety.

SECTION 10. Overland Park Municipal Code Section 16.100.105.3.5 is hereby amended to read as follows:

16.100.105.3.5

Section 105.3.5 of the 2003 International Building Code is hereby added to read as follows:

105.3.5 Fire protection certification. A permit for construction shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory hydrant locations.

Applicants for areas within the corporate limits of the City, that are also within areas under the jurisdiction of a duly constituted water district, shall submit a statement from the district certifying that the proposed fire protection system conforms to the regulations of the district. The water supply and hydrants shall also comply with the requirements of Section 508 and Appendices B and C of the 2003 International Fire Code.

SECTION 11. Overland Park Municipal Code Section 16.100.105.3.6 is hereby amended to read as follows:

16.100.105.3.6

Sections 105.3.6, 105.3.6.1 and 105.3.6.2 of the 2003 International Building Code are hereby added to read as follows:

105.3.6 Connection to public sewer. No building permit shall hereafter be issued for any structure requiring or providing a sanitary drainage system regulated by the 2003 International Plumbing Code until a public sanitary sewer system is available to serve the premises and is in

operation except as provided in Sections 105.3.6.1 and 105.3.6.2.

105.3.6.1 Private sewage disposal facilities. Private sewage disposal systems as permitted by the 2003 International Private Sewage Disposal Code.

105.3.6.2 Temporary sewage disposal facilities. Temporary sewage disposal facilities are permitted for systems meeting all of the following:

1. The system is installed for a period of time not to exceed two years. Sufficient documentation, acceptable to the Building Official, shall be submitted to substantiate the temporary nature of the facility to ensure the facility will be removed or connected to the public sewer system within two years. The design and construction of the system conforms to the Holding Tank requirements of the 2003 International Private Sewage Disposal Code.
2. Public sewers are not available as defined in the 2003 International Plumbing Code.
3. The use of the building shall not utilize commercial cooking operations or any material that would be detrimental to the system.

SECTION 12. Overland Park Municipal Code Section 16.100.105.3.7 is hereby amended to read as follows:

16.100.105.3.7

Section 105.3.7 of the 2003 International Building Code is hereby added to read as follows:

105.3.7 Sanitary sewer connection permit. No building permit for any structure or building to be located within a legally created sewer district in the City in which sanitary sewage will, or may, originate shall be issued until and unless the applicant, or his or her agent, has previously applied for and received from the sewer district, an outside sanitary sewer construction and connection permit as required by the rules and regulations of the Johnson County Wastewater District.

SECTION 13. Overland Park Municipal Code Section 16.100.105.3.8 is hereby amended to read as follows:

16.100.105.3.8

Section 105.3.8 of the 2003 International Building Code is hereby added to read as follows:

105.3.8 Denial of permits. The Building Official is authorized to deny a permit to any applicant not meeting these requirements and to any person who has outstanding a failure to appear in court with respect to any violation of the Overland Park Municipal Code. The Building Official is further authorized, with respect to the insurance requirements, to take any necessary administrative enforcement action including, without limitation, stopping construction operations on any incomplete permits and denying issuance of any additional permits.

SECTION 14. Overland Park Municipal Code Section 16.100.105.3.9 is hereby amended to read as follows:

16.100.105.3.9

Sections 105.3.9, 105.3.9.1, 105.3.9.2, and 105.9.3 of the 2003 International Building Code are hereby added to read as follows:

105.3.9 Moving buildings – moving permits. No person shall move any building or structure having a floor area of 200 or more square feet, upon, across, or over any highway, street, alley, or sidewalk in the City without first obtaining a permit to do so, issued by the Building Official.

105.3.9.1 Moving permit applications. All applications for permits to move buildings or other structures described in Section 16.100.105.3.9 shall be made to the Building Official, and such application shall state and be in compliance with the following procedures prior to issuance of the permit:

1. The dimensions of the building or structure as to length, height at its highest point when loaded for moving, width;
2. The definite description of the building or structure proposed to be moved giving street number, construction materials, dimensions in square feet, number of rooms and condition of exterior and interior;
3. The plot plan to scale with legal description of the lot from which the building is to be moved, giving the lot number, block number and subdivision, if located within the City;
4. The plot plan to scale with the legal description of the lot to which it is proposed such building be moved, giving the lot number, block number and subdivision, if located within the City;
5. Provide evidence that all utilities have been disconnected;
6. The day and hour when the moving is to commence and length of time of the move. In no event will a moving be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the Building Official;
7. The highways, streets, alleys or sidewalks over, along, or across which the building or structure is proposed to be moved;
8. The application shall be made not less than 14 calendar days prior to the commencement of the moving and shall be accompanied by a fee as established by resolution of the Governing Body;
9. The application must include copies of written notice that have been given by the applicant to the owners of adjacent lots and to the owners of wired or other facilities, whenever same will affect the public utilities located within the City limits, should a permit be granted for the removal of building or structure;
10. The applicant of the building or structure to be moved shall file with the application sufficient evidence that the building or structure and lot from which it is to be moved are free of any entanglements and that all taxes and any City charges against the owner are paid in full.

The applicant shall file with the City a certificate of insurance, demonstrating evidence of satisfactory Commercial General Liability and

Automobile Liability insurance. No permit shall be issued until such evidence is filed.

Policies of insurance must contain the following limits of protection and conditions:

a) Commercial General Liability including Products/Completed Operations and Independent Contractors protection:

Bodily Injury: each occurrence \$250,000
aggregate \$500,000
Property Damage: each occurrence \$250,000
aggregate \$250,000

Or

Bodily Injury and Property Damage, Combined Single Limit:
each occurrence \$500,000
aggregate \$500,000

b) Commercial Automobile Liability - including Hired and Non-Owned:

Bodily Injury: each person \$250,000
each occurrence \$500,000
Property Damage: each occurrence \$250,000

Or

Bodily Injury and Property Damage, Combined Single Limit:
each occurrence \$500,000

The City will only accept coverage from an insurance carrier meeting these criteria:

- 1) Is licensed to do business in the state of Kansas; and
- 2) Carries a Best's policyholder and financial rating of B+ or better;
and
- 3) Carries at least a Class X financial rating.

or

Is a company mutually agreed upon by the City and the applicant.

The City shall be notified by the insurance carrier in writing not less than 30 days prior to cancellation or material modification of any policy provisions;

11. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building or structure;
12. The applicant shall file with the application written permission from the private property owner to trim any trees on private property necessary to provide clearance for movement of the building or structure;
13. The applicant shall file with the application written permission from the Parks Department and adjacent contiguous private property owners to trim trees in the public right of way necessary to provide clearance for movement of the building or structure.

105.3.9.2 Bond required. It shall be the duty of any person at the time of making application for a permit as provided in Section 16.100.105.3.9.1 to execute in favor of

this City a good and sufficient bond to the City in the sum of \$5,000, with good and sufficient security, conditioned, among other things, that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his agent, servant, employee, workman, contractor, or subcontractor, and such bond shall be conditioned also that the principal will serve, indemnify, and protect the City from any and all liability, and that he will, in all respects, comply with all ordinances of the City and comply with the terms of his permit and be conditional upon his faithful performance of the move. The form of such bond must be approved by the City Attorney.

105.3.9.3 Conditions of the permit. In addition to other provisions of the code, the permit holder shall be responsible for compliance with the following:

1. Move a building or structure only over streets approved by the Department of Public Works and the Chief of Police and designated for such use in the written application;
2. Notify the Building Official within 48 hours of move in writing of a desired change in moving date and hour and route of move as proposed in the application and such change must be approved by the Building Official;
3. Notify the Building Official in writing of any and all damages done to property belonging to the public and private property within 24 hours after the damage or injury has occurred;
4. It shall be the duty of any persons moving any building or structure to display red lanterns or other warning devices used in compliance with City traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise, and shall have sufficient escort as provided by City ordinance, state statutes, or as determined as necessary for the public safety by the Chief of Police;
5. No building or structure or any part of any building or structure being moved shall be left in the parkway, street, or on the dedicated right-of-way line between the curb and the front property line of any lot;
6. Remove all rubbish and materials and fill in excavations to existing grade at the original building or structure site so that the premises are left in a safe and sanitary condition within 30 days from the date of the move; or obtain a separate permit covering demolition of the site prior to issuance of the moving permit.

SECTION 15. Overland Park Municipal Code Section 16.100.105.5 is hereby amended to read as follows:

16.100.105.5

Section 105.5 of the 2003 International Building Code is hereby amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. It is the intent of this code that once work has commenced that the

work will proceed at a normal rate until the permitted work has been completed. Should the work cease for a period of 90 days the Building Official shall make a determination as to whether the work has been suspended or abandoned. All work is to be inspected per Section 109 of this code. Commencement of work shall be documented by an inspection. Failure to request an inspection of newly completed work for any period of 90 days or more shall constitute suspension or abandonment of work.

Exception: A permit shall remain valid indefinitely where a valid Temporary Certificate of Occupancy has been issued.

The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Permit extensions shall only be granted for new residential and commercial structures, additions to residential and commercial structures, and alterations to commercial structures, provided that the extension of the permit and related construction work will not adversely impact the surrounding property.

It shall be unlawful for any person, firm, or corporation to allow a permit to become invalid after work has commenced.

SECTION 16. Overland Park Municipal Code Section 16.100.108.2 is hereby amended to read as follows:

16.100.108.2

Section 108.2 of the 2003 International Building Code is hereby amended to read as follows:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by resolution of the Governing Body.

SECTION 17. Overland Park Municipal Code Section 16.100.112.1.1 is hereby amended to read as follows:

16.100.112.1.1

Section 112.1.1 of the 2003 International Building Code is hereby added to read as follows:

112.1.1 Membership of Board of Appeals. The Board of Appeals shall consist of five members all of whom shall be residents of Overland Park who will serve at the appointment of the Mayor by and with the consent of the Council; provided that a member may be removed by the Mayor with the consent of the Council, the consent to be given by resolution of the Governing Body for cause upon written charges filed with the secretary of the board; provided that no removal shall occur until after a public hearing is held to consider the written charges.

Each member will be appointed for three years or until his or her successor has been appointed and approved by the Governing Body.

SECTION 18. Overland Park Municipal Code Section 16.100.112.1.2 is hereby amended to read as follows:

16.100.112.1.2

Section 112.1.2 of the 2003 International Building Code is hereby added to read as follows:

112.1.2 Alternate members. At least three alternates all of whom shall be residents of Overland Park shall serve at the appointment of the Mayor by and with the consent of the Council; provided that an alternate member may be removed by the Mayor with the consent of the Council, the consent to be given by resolution of the Governing Body for cause upon written charges filed with the secretary of the board; provided that no removal shall occur until after a public hearing is held to consider the written charges. Alternate members shall be called by the Building Official to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for three years, or until a successor has been appointed.

SECTION 19. Overland Park Municipal Code Section 16.100.112.1.3 is hereby amended to read as follows:

16.100.112.1.3

Section 112.1.3 of the 2003 International Building Code is hereby added to read as follows:

112.1.3 Compensation of Board of Appeals. All members shall serve without compensation.

SECTION 20. Overland Park Municipal Code Section 16.100.112.2.1 is hereby amended to read as follows:

16.100.112.2.1

Section 112.2.1 of the 2003 International Building Code is hereby added to read as follows:

112.2.1 Application for appeal. The owner of a building or structure or any other person may appeal to the Board of Appeals from a decision of the Building Official refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration, or repair of a building or structure. Application fees for the filing of appeals shall be established by the Governing Body in resolution form and shall be collected by the Building Official at the time that an application is filed.

SECTION 21. Overland Park Municipal Code Section 16.100.112.3.1 is hereby amended to read as follows:

16.100.112.3.1

Section 112.3.1 of the 2003 International Building Code is hereby added to read as follows:

112.3.1 Member qualifications. Each member shall be a licensed professional engineer or architect; or a builder, superintendent of building construction, or an individual licensed in a

trade with at least ten years' experience, five of which shall have been in responsible charge of work. Not more than two members shall be from the same profession or occupation, and at least one professional engineer shall be a structural or civil engineer with architectural engineering experience.

SECTION 22. Overland Park Municipal Code Section 16.100.113.3 is hereby amended to read as follows:

16.100.113.3

Section 113.3 of the 2003 International Building Code is hereby amended to read as follows:

113.3 Prosecution of violation. Any person failing to comply with a notice of violation or order shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with promptly, the Building Official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

SECTION 23. Overland Park Municipal Code Section 16.100.113.4 is hereby amended to read as follows:

16.100.113.4

Section 113.4 of the 2003 International Building Code is hereby amended to read as follows:

113.4 Violation penalties. Any person who violates a provision of this code, or Chapters 16.100 through 16.190, or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, is guilty of a public offense, punishable as provided in Overland Park Municipal Code Section 1.12.010.

The Building Official shall be permitted to cite any or all persons identified on permit forms as being legally responsible to the City for any violations of the code pertaining to that permit. The business, and any identified responsible person, shall assume full legal responsibility and liability to the City for any permit issued to any authorized individual, and, absent written notification being received by the Building Official prior to the issuance of a permit of any changes in the authorized individuals, such responsibility shall exist regardless of whether in fact such listed authorized individual has any affiliation with the business at the time of issuance. It is further the continuing responsibility of the business to notify the Building Official in writing of any other changes to the form, and in the absence of any such notification being received by the Building Official prior to the issuance of permit, all identified responsible persons shall be responsible for that permit to the City regardless of whether they maintain any affiliation with the business.

SECTION 24. Overland Park Municipal Code Section 16.100.113.5 is hereby amended to read as follows:

16.100.113.5

Section 113.5 of the 2003 International Building Code is hereby added to read as follows:

113.5 Abatement of violations. Should any person fail to comply with a notice of violation or order as specified in Section 113.2, the Building Official is authorized to correct or abate such violation, or to require the removal or termination of the occupancy of the structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure, or premises. This action can be taken in lieu of or in conjunction with any action taken under Section 113.3.

SECTION 25. Overland Park Municipal Code Section 16.100.310.2 is hereby added to read as follows:

16.100.310.2

Section 310.2 of the 2003 International Building Code is hereby amended to read as follows:

310.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

DORMITORY. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

PERSONAL CARE SERVICE. The care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses,

group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

TRANSIENT. Meaning a duration or stay of 30 days or less.

SECTION 26. Overland Park Municipal Code Section 16.100.507.2 is hereby added to read as follows:

16.100.507.2

Section 507.2 of the 2003 International Building Code is hereby amended to read as follows:

507.2 Sprinklered, one story The area of a one-story, Group B, F, M or S building or a one-story Group A-4 building of other than Type V construction shall not be limited when the building is provided with an automatic sprinkler system throughout in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet in width.

Exceptions:

1. Buildings and structures of Type I and II construction for rack storage facilities which do not have access by the public shall not be limited in height provided that such buildings conform to the requirements of Section 507.1 and NFPA 231C.
2. The automatic sprinkler system shall not be required in areas occupied for indoor participant sports, such as tennis, skating, swimming and equestrian activities, in occupancies in Group A-4, provided that:
 - 2.1. Exit doors directly to the outside are provided for occupants of the participant sports areas, and
 - 2.2. The building is equipped with a fire alarm system with manual fire alarm boxes installed in accordance with Section 907.
3. Group A1, A2, and A3 Occupancies are permitted provided the assembly occupancy is separated from other spaces as required for separated uses in Section 302.3.2

SECTION 27. Overland Park Municipal Code Section 16.100.903.3.7 is hereby amended to read as follows:

16.100.903.3.7

Section 903.3.7 of the 2003 International Building Code is hereby amended to read as follows:

903.3.7 Fire department connections. The location of fire department connections shall be approved by the Building Official. A fire department connection for each standpipe system or water-based fire-extinguishing system shall be located not more than 100 feet from the nearest fire hydrant connection to an approved water supply.

903.3.7.1 Locking fire department connection (FDC) caps. The Building Official is authorized to require locking FDC caps on fire department connections for water-based fire protection systems where the responding fire department carries appropriate key wrenches for removal.

SECTION 28. Overland Park Municipal Code Section 16.100.903.4.3.1 is hereby amended to read as follows:

16.100.903.4.3.1

Section 903.4.3.1 of the 2003 International Building Code is hereby added to read as follows:

903.4.3.1 Main control valve access. The main control valve shall be accessible. To be considered accessible, an unobstructed aisle not less than 3 feet wide and 7 feet high shall be provided to the valves. The valves shall be operable from the floor of the aisle.

SECTION 29. Overland Park Municipal Code Section 16.100.907.9.1.5 is hereby added to read as follows:

16.100.907.9.1.5

Section 907.9.1.5 of the 2003 International Building Code is hereby added to read as follows:

907.9.1.5 Multiple building complexes. Use Groups R-1 and R-2 buildings in multiple-building complexes which are provided with a required fire suppression or fire alarm system shall be provided with an exterior visual signaling device. The device shall be equivalent to a visible signaling appliance identified in ICC/ANSI 117.1. The device shall be located such that it is clearly visible from a street or fire lane near the building. The device shall activate upon activation of the building fire alarm system or suppression system.

SECTION 30. Overland Park Municipal Code Section 16.100.1019.1.7 is hereby added to read as follows:

16.100.1019.1.7

Section 1019.1.7 of the 2003 International Building Code is hereby amended to read as follows:

1019.1.7 Stairway floor number signs. A sign shall be provided at each floor landing in interior vertical exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the stair enclosure and the identification of the stair. The signage shall also state the story of, and the direction to the exit discharge and the availability of roof access from the stairway for the fire department. The signs shall be color coded, or have colored borders that are identified as follows: red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the fourth, and green for the fifth. The sign shall be located 5 feet above the floor landing in a position which is readily visible when the doors are in the open and closed positions.

SECTION 31. Overland Park Municipal Code Section 16.100.3103.1.1 is hereby amended to read as follows:

16.100.3103.1.1

Section 3103.1.1 of the 2003 International Building Code is hereby amended to read as follows:

3103.1.1 Permit required. Temporary structures that cover an area in excess of 900 square feet, including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of 50 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the Building Official.

SECTION 32. Overland Park Municipal Code Section 16.100.3410.2 is hereby added to read as follows:

16.100.3410.2

Section 3410.2 of the 2003 International Building Code is hereby amended to read as follows:

3410.2 Applicability. Structures existing prior to April 17, 1961, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.

3410.2.1 Change in occupancy. Where an existing building is changed to a new occupancy classification and this section is applicable, the provisions of this section for the new occupancy shall be used to determine compliance with this code.

3410.2.2 Partial change in occupancy. Where a portion of the building is changed to a new occupancy classification, and that portion is separated from the remainder of the building with fire barrier wall assemblies having a fire-resistance rating as required by Table 302.3.2 for the separate occupancies, or with approved compliance alternatives, the portion changed shall be made to conform to the provisions of this section.

Where a portion of the building is changed to a new occupancy classification, and that portion is not separated from the remainder of the building with fire separation assemblies having a fire-resistance rating as required by Table 302.3.2 for the separate occupancies, or with approved compliance alternatives, the provisions of this section which apply to each occupancy shall apply to the entire building. Where there are conflicting provisions, those requirements which secure the greater public safety shall apply to the entire building or structure.

3410.2.3 Additions. Additions to existing buildings shall comply with the requirements of this code for new construction. The combined height and area of the existing building and the new addition shall not exceed the height and area allowed by Chapter 5. Where a fire wall that complies with Section 705 is provided between the addition and the existing building, the addition shall be considered a separate building.

3410.2.4 Alterations and repairs. An existing building or portion thereof, which does not comply with the requirements of this code for new construction, shall not be altered

or repaired in such a manner that results in the building being less safe or sanitary than such building is currently. If, in the alteration or repair, the current level of safety or sanitation is to be reduced, the portion altered or repaired shall conform to the requirements of Chapters 2 through 12 and Chapters 14 through 33.

3410.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Chapter 11.

SECTION 33. Overland Park Municipal Code Section 16.110.100 is hereby amended to read as follows:

16.110.100 Residential Code for One- & Two-Family Dwellings – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.110 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2003 International Residential Code for One- and Two-Family Dwellings, dated January, 2003, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2003 International Residential Code for One- and Two-Family Dwellings shall be marked Official Copy as Adopted by Ordinance No. BC-2459 to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 34. Overland Park Municipal Code Section 16.110.101.2 is hereby added to read as follows:

16.110.101.2

Section R101.2 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R101.2 Scope. The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwelling and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

SECTION 35. Overland Park Municipal Code Section 16.110.102.5.1 is hereby amended to read as follows:

16.110.102.5.1

Section R102.5.1 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R102.5.1 Appendices adopted. The following appendices are adopted as part of the code:

1. Appendix E – Manufactured Housing Used as Dwellings.
2. Appendix G – Swimming Pools Spas and Hot Tubs.
3. Appendix H – Patio Covers.
4. Appendix I – Private Sewage Disposal.
5. Appendix J – Existing Buildings and Structures.
6. Appendix K – Sound Transmission.

SECTION 36. Overland Park Municipal Code Section 16.110.103 is hereby amended to read as follows:

16.110.103

Sections R103 through R114 of the 2003 International Residential Code for One- and Two-Family Dwellings are hereby deleted.

SECTION 37. Overland Park Municipal Code Section 16.110.120 is hereby amended to read as follows:

16.110.120

Section R120 of the 2003 International Residential Code is hereby added to read as follows:

R120 Disclosure requirements.

Before the purchaser is obligated under any contract to purchase covered housing, the seller shall provide the purchaser with a Residential Home Buyer Notice and Disclosure in a form approved by the Director of Planning and Development Services.

That form shall substantially contain, without being limited to, the following information or future modifications thereof:

1. That the City of Overland Park has adopted a comprehensive Master Plan (Future Development Plan Map, Official Street Map, and Greenway Linkage Map) of the City of Overland Park, Kansas.
2. That the Master Plan (including the Future Development Plan Map) is a composite of mapped and written materials which together serve as a master plan and guide for the future physical development of Overland Park and comprises land use, traffic circulation, planning objectives, policies, standards and principles. Although the Master Plan serves as a current expression of the Governing Body, the Governing Body may approve land use applications which deviate from the Master Plan after public hearing.
3. That copies of the Master Plan are available in the Planning and Development Services Department at City Hall for a nominal cost. The Master Plan contains information about projected planned land uses, existing zoning districts, the location of bike/hike trails, existing and future streets, and private streets.

4. That the City of Overland Park has adopted an Official Building Code (O.P.M.C. Section 16.100.100, the 2003 International Building Code, which includes the 2003 International Residential Code) covering the construction of one- and two-family residential structures. The purpose of the Official Building Code is to provide minimum requirements to safeguard health, safety, and public welfare and the protection of property by regulating and controlling the design and construction of one- and two- family residential structures. The builder is responsible for compliance with the Official Building Code.
5. That the City of Overland Park provides a program of required inspections of one- and two-family dwelling structures on a regularly scheduled basis during construction. That these inspections are conducted to review the construction compliance with adopted minimum life safety codes and are not intended to serve as a quality assurance program or to protect the consumer from poor workmanship. Further, that due to the extensive nature of all the adopted codes, which regulate the built environment in Overland Park, it is an unreasonable expectation that the City of Overland Park will review all aspects of construction regulated by the adopted Building Codes. Ultimately, compliance is the responsibility of the contractor and/or permit applicant.
6. That a compilation of information, including the Future Development Plan Map, Official Street Map, Greenway Linkage Map, Minimum Standards for Residential Basement Foundations, and other publications prepared by the City of Overland Park, is available for purchase at City Hall for a nominal cost.
7. That Purchasers of covered housing have a responsibility to:
 - a) Obtain and examine the compilation of information available from the City, including the Master Plan, and be familiar with the relevant information contained therein, including the proposed future development of the surrounding neighborhood.
 - b) Reasonably inspect and examine the covered housing and the various separate components thereof to evaluate the general condition and quality of construction, and to take reasonable action to determine if the covered housing has been constructed in substantial compliance with the Official Building Code; provided, however, that any such duties of the purchasers do not, in any manner, relieve the builder of primary responsibility.
 - c) Make reasonable inquiry into the builder's reputation in the community for quality construction and customer service.
 - d) Review the real estate records to determine the existence of recorded deed restrictions and covenants, notices of current or future tax assessments, and other matters which might impact or affect the covered housing and adjacent property.

For the purposes of this section, "covered housing" shall mean real property on which there is situated a newly constructed single-family or duplex residential dwelling, used or occupied, or intended to be used or occupied in whole or in part, as the home or residence of the purchaser and not previously occupied pursuant to a Certificate of Occupancy; "seller" means any entity that transfers legal title to covered housing, in whole or in part, in return for consideration including, but not limited to, individuals, partnerships, corporations, and trusts.

The seller is required to obtain and preserve for not less than three (3) years a written acknowledgment of receipt of the required information.

This requirement is not intended to invalidate any contracts to purchase covered housing executed in violation of this ordinance or to otherwise affect a seller's or purchaser's rights under the law. Any person who knowingly fails to comply with any provision of this ordinance shall be subject to monetary penalties in accordance with the provisions of O.P.M.C. Section 1.12.010.

SECTION 38. Overland Park Municipal Code Section 16.110.301.2(1) is hereby added to read as follows:

16.110.301.2(1)

Table No. R301.2(1) of Section 301 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

ROOF SNOW LOAD (PSF)	WIND SPEED ^e (MPH)	CONDITION BY ZONE 9	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMPERATURE FOR HEATING FACILITIES ^f	ICE SHIELD UNDER-LAYMENT REQUIRED ⁱ	FLOOD HAZARDS ^h	AIR FREEZING INDEX ^j	MEAN ANNUAL TEMPERATURE ^k
			Weathering ^a	Frost line depth ^b	Termite ^c	Decay ^d					
20	90	A	Severe	36"	Moderate-Heavy	Slight-Moderate	6E F	No	6/17/2002	1000	54.7° F

For SI: 1 pound per square foot = 0.0479 kN/m², 1 mile per hour = 1.609 km/h.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table with "very heavy," "moderate to heavy," "slight to moderate," or "none to slight" in accordance with Figure R301.2(6) depending on whether there has been a history of local damage.
- d. The jurisdiction shall fill in this part of the table with "moderate to severe" "slight to moderate," or "none to slight" in accordance with Figure R301.2(7) depending on whether there has been a history of local damage.
- e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- f. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the Building Official.
- g. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
- i. In accordance with Sections R905.2.7.1, R905.4.3, R905.5.3, R905.6.3, R905.7.3 and R905.8.3, for areas where the average daily temperature in January is 25° F (-4°C) or less, or where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- j. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.
- k. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

SECTION 39. Overland Park Municipal Code Section 16.110.306.5 is hereby amended to read as follows:

16.110.306.5

Section R306.5 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R306.5 New single family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the Building Official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

SECTION 40. Overland Park Municipal Code Section 16.110.309.7 is hereby added to read as follows:

16.110.309.7

Section R309.7 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R309.7 Residential driveways. Residential concrete and asphalt driveway slabs shall be a minimum of 4-inches thick. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain by means approved by the Building Official.

SECTION 41. Overland Park Municipal Code Section 16.110.310.1 is hereby amended to read as follows:

16.110.310.1

Section R310.1 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one emergency escape and rescue window or exterior door capable of being opened. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where openings are provided as a means of escape and rescue they shall have a sill height of not more than 44 inches above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Escape and rescue

window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

Exception: Dwellings for which the building permit for the initial construction of that dwelling was issued prior to January 1, 2001, are exempt from the above requirement for subsequent basement remodels; provided, however, that exemption shall only apply if the basement has not been expanded subsequent to January 1, 2001, or that basement does not at any time contain any sleeping areas; conversion of any habitable area to a sleeping area at any time will trigger the emergency escape and rescue requirements set forth above. All currently existing openings that provide for emergency escape and rescue, regardless of whether or not they comply with the above escape and rescue requirements, cannot be removed or altered without bringing the basement into full compliance with the minimum requirements of this section, regardless of when building permits for the dwelling were issued.

SECTION 42. Overland Park Municipal Code Section 16.110.321.1 is hereby added to read as follows:

16.110.321.1

Section R321.1 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R321.1 Premises identification. Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property and located not more than 50 feet from the property line. Address characters shall have a contrasting background and have a minimum height of 4 inches in Use Groups R-3 and R-4; 6 inches in Use Group R-3 Child Care Facilities.

SECTION 43. Overland Park Municipal Code Section 16.110.321.2 is hereby added to read as follows:

16.110.321.2

Section R321.2 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R321.2 Illumination. Single family dwellings shall have the ability to illuminate the address and numbers during the hours of darkness with a power source connected to the house electrical system or other approved source of illumination.

SECTION 44. Overland Park Municipal Code Section 16.110.328 is hereby amended to read as follows:

16.110.328

Section R328 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

SECTION R328 PHYSICAL SECURITY

R328.1 Purpose. The purpose of this Section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

R328.1.1 Scope. The provisions of this Section shall apply to all new structures and to alterations, additions, and repairs as stipulated in Appendix J.

R328.2 Doors. Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections R328.2.1 through R328.2.5 for the type of door installed.

R328.2.1 Wood doors. Where installed, exterior wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with a minimum thickness of one and three-fourths inches (1 3/4") at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one inch (1") thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch (1/4") thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch (1/2") in depth.

R328.2.2 Steel doors. Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

R328.2.3 Fiberglass doors. Fiberglass doors shall have a minimum skin thickness of one-sixteenth inch (1/16") and have reinforcement material at the location of the deadbolt.

R328.2.4 Double doors. Where installed, the inactive leaf of an exterior double door shall be provided with flush bolts having an engagement of not less than one inch into the head and threshold of the doorframe.

R328.2.5 Sliding doors. Where installed, exterior sliding doors shall comply with all of the following requirements:

- A. Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.
- B. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly. Metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface. The surface mounted bolt assembly shall be installed at the base of the door.

R328.3 Door frames. The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections R328.3.1 through R328.3.3 for the type of assembly installed.

R328.3.1 Wood frames. Wood door frames shall comply with all of the following requirements:

- A. All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors. Door frames, including those with sidelights shall be reinforced in accordance with ASTM F476-84 Grade 40.
- B. In wood framing, horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.

R328.3.2 Steel frames. All exterior door frames shall be constructed of 18 gauge or heavier steel, and reinforced at the hinges and strikes. All steel frames shall be anchored to the wall in accordance with manufacturer specifications. Supporting wall structures shall consist of double studding or framing of equivalent strength. Frames shall be installed to eliminate tolerances inside the rough opening.

R328.3.3 Door jambs.

- A. Door jambs shall be installed with solid backing in a manner so no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of a solid wood block.
- B. Door stops on wooden jambs for in-swinging doors shall be of one-piece construction. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

R328.4 Door hardware. Exterior door hardware shall comply with Sections R328.4.1 through R328.4.6.

R328.4.1 Hinges. Hinges for exterior swinging doors shall comply with the following:

- A. At least two (2) screws, three inches (3") in length, penetrating at least one inch (1") into wall structure shall be used. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.
- B. Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

R328.4.2 Strike plates. Exterior door strike plates shall be a minimum of 18 gauge metal with four offset screw holes. Strike plates shall be attached to wood with not less than three inch (3") screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to Section R328.4.6.

R328.4.3 Escutcheon plates. All exterior doors shall have escutcheon plates or wrap-around door channels installed around the lock protecting the door's edge.

R328.4.4 Locks. Exterior doors shall be provided with a locking device complying with one of the following:

Single Cylinder Deadbolt shall have a minimum projection of one inch (1"). The deadbolt shall penetrate at least three-fourths inch (3/4") into the strike receiving the projected bolt. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard. The cylinder shall have a minimum of five (5) pin tumblers, shall be connected to the inner portion of the lock by solid metal connecting screws at least one-fourth inch (1/4") in diameter and two and one-fourth inches (2-1/4") in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

R328.4.5 Entry vision and glazing. All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than 180 degrees through windows or through view ports.

R328.4.6 Side lighted entry doors. Side light door units shall have framing of double stud construction or equivalent construction complying with Sections R328.3.1, R328.3.2 and R328.3.3. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections R328.3.1 and R328.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

R328.5 Street numbers. Street numbers shall comply with Section R321.1.

R328.6 Exterior Lighting. Exterior lighting shall comply with Sections R328.6.1 through R328.6.2.

R328.6.1 Front and street side exterior lighting. All front and street side door entrances should be protected with a minimum of one light outlet having a minimum of sixty (60) watts of lighting (or energy efficient equivalent), installed so that the light source is not readily accessible.

R328.6.2 Rear exterior lighting. Homes with windows or doors near ground level below eight feet (8') on the rear side of the house shall be equipped with a minimum of one light outlet having 100 watt lighting (or energy efficient equivalent) and shall be of the flood light type. Those fixtures placed below eight feet (8') shall be fixtures manufactured such that the light source is not readily accessible.

R328.7 Alternate materials and methods of construction. The provisions of this Section are not intended to prevent the use of any material or method of construction not specifically

prescribed by this Section, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this Section to exclude any sound method of structural design or analysis not specifically provided for in this Section. The materials, methods of construction, and structural design limitations provided for in this Section shall be used, unless the enforcing authority grants an exception.

The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least equivalent to those prescribed in this Section in quality, strength, effectiveness, burglary resistance, durability, and safety.

SECTION 45. Overland Park Municipal Code Section 16.110.403.1.1.1 is hereby amended to read as follows:

16.110.403.1.1.1

Section R403.1.1.1 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R403.1.1.1 Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum 3 inches (3”) clear from the bottom of the footing.

SECTION 46. Overland Park Municipal Code Section 16.110.403.1.1.2 is hereby amended to read as follows:

16.110.403.1.1.2

Section R403.1.1.2 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R403.1.1.2 Column pads. Column pads shall be sized to support the applied loads. Column pads shall not be less than 24 inches by 24 inches and 8 inches deep (24” x 24” x 8”) with 3-No. 4 bars each way. The minimum reinforcement shall consist of No. 4 bars at 8 inches on center each way.

SECTION 47. Overland Park Municipal Code Section 16.110.403.1.6.2 is hereby amended to read as follows:

16.110.403.1.6.2

Section R403.1.6.2 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R403.1.6.2 Foundation anchorage – basement walls. The spacing of anchor bolts or foundation anchor straps required by Section R403.1.6 shall be reduced to a maximum of 3 feet (3’) for basement foundation walls.

SECTION 48. Overland Park Municipal Code Section 16.110.404.1.3 is hereby amended to read as follows:

16.110.404.1.3

Section R404.1.3 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R404.1.3 Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below exist. Where applicable, a standard design approved by the City may be used in lieu of a design from the design professional. For new single family dwellings where standard designs approved by the City are used, the design professional sealing the plans shall specify the use of those designs on the approved plans or through a separate report.

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches (48") of unbalanced backfill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1
4. Foundation walls exceeding nine feet (9') in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the subdivision grading plan as having more than six feet (6') of fill or having a finished slope steeper than 4 horizontal to 1 vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots steeper than 4 to 1 before grading.
8. Lots where some footings will bear on soil and others will bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls.
11. Garage floor slabs supported on more than 24 inches (24") of clean sand or gravel or eight inches (8") of earth.

SECTION 49. Overland Park Municipal Code Section 16.110.506.2.4 is hereby amended to read as follows:

16.110.506.2.4

Section R506.2.4 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R506.2.4 Basement floor slab isolation. Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum one inch (1") expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or an expansion joint is not required within six inches (6") of the exterior walls.

SECTION 50. Overland Park Municipal Code Section 16.110.602.10.5.1 is hereby added to read as follows:

16.110.602.10.5.1

Table R602.10.5 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

Table R602.10.5
LENGTH REQUIREMENTS FOR BRACED WALL PANELS IN A CONTINUOUSLY SHEATHED WALL ^{a, b}

LENGTH OF BRACED WALL PANEL (inches)			MAXIMUM OPENING HEIGHT NEXT TO THE BRACED WALL PANEL (% of wall height)
8-foot wall	9-foot wall	10-foot wall	
48	54	60	100
32	36	40	85
24	27	30	65

- a. Linear interpolation shall be permitted.
- b. Full-height sheathed wall segments to either side of garage openings shall be permitted to have a 4:1 aspect ratio.

SECTION 51. Overland Park Municipal Code Section 16.110.703.6 is hereby added to read as follows:

16.110.703.6

Section R703.6 of the 2003 International Residential Code for One-and Two-Family Dwellings is hereby amended to read as follows:

R703.6 Exterior plaster. Installation of materials for cement plaster (stucco) and lathing shall be in accordance with ASTM C 926 and ASTM C 1063.

R703.6.1 Lath. All lath attachments shall be of corrosion-resistant materials. Expanded metal or woven wire lath shall be attached with 1 1/2-inch-long, 11 gage nails having a 7/16-inch head, or 7/8-inch-long, 16 gage staples, spaced at no more than 6 inches, or as otherwise approved.

R703.6.2 Plaster. Plastering with Portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1).

On wood-frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner as to cover, but not extend below, lath, paper and screed.

The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).

R703.6.2.1 Weep screeds. A minimum 0.019-inch (No. 26 galvanized sheet gage), corrosion-resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3 ½ inches shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C 926. The weep screed shall be placed a minimum of 4 inches above the earth or 2 inches above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather-resistant barrier shall lap the attachment flange. The exterior lath shall cover and terminate on the attachment flange of the weep screed.

SECTION 52. Overland Park Municipal Code Section 16.110.703.6.2.2 is hereby added to read as follows:

16.110.703.6.2.2

Section R703.6.2.2 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R703.6.2.2 Weather-resistant barriers. Weather-resistant barriers shall be installed as required in Section 703.2 and, where applied over wood-based sheathing, shall include a weather-resistant vapor-permeable barrier with a performance at least equivalent to two layers of grade D paper.

SECTION 53. Overland Park Municipal Code Section 16.110.801.3 is hereby amended to read as follows:

16.110.801.3

Section R801.3 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R801.3 Roof drainage. In areas where expansive or collapsible soils are known to exist, all dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

SECTION 54. Overland Park Municipal Code Section 16.110.901.2 is hereby amended to read as follows:

16.110.901.2

Section R901.2 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R901.2 Legislative findings. The Governing Body hereby makes the following legislative findings:

1. The use of wood shingle, wood shake shingle, or other roofing materials less than Class C rated present a substantial threat to the public safety from the increased risk of fire and the potential for, under certain conditions, the spreading of fire to neighboring property,

- thereby placing lives and property at increased risk of harm.
2. A substantial number of subdivisions presently exist in the City that have homes with untreated and un-rated wood shingle, wood shake shingle, or other roofing materials, and many of those subdivisions have covenants, conditions or restrictions (hereinafter "restrictive covenants") that require the use of wood shingle or wood shake shingle roofing materials for re-roofing existing homes.
 3. While these restrictive covenants may permit the use of tile or slate materials in lieu of wood, use of these materials for re-roofing is generally not feasible for a roof support system originally constructed to accommodate wood.
 4. Although treated wood shingles and wood shake shingles that meet the Class C rating requirements may be currently available, the long term benefit of such treatment is uncertain, that treatment may render the shingles more susceptible to hail damage and such materials cost substantially more than many other Class C or better roofing materials.
 5. The use of wood shingle or wood shake shingle roofing materials throughout a subdivision is believed by some residents to preserve property values and to be aesthetically pleasing.
 6. In most instances restrictive covenants requiring the use of such roofing materials were imposed by the developer of a subdivision and the residents who currently occupy these subdivisions have never had the opportunity to balance the risks and benefits of the required uses of such materials in their personal residences or their subdivisions, and to make their own informed judgment on such required use. In fact, many of these residents have not reviewed the restrictive covenants prior to acquiring the real estate, and the only notice an owner may receive of the existence of such covenants is an oblique reference in a title insurance commitment.
 7. In most instances amendment of these restrictive covenants, through the process established by the subdivision documents, to allow the use of all Class C rated or better materials may require following complex procedures and the agreement of a super-majority of the residents of a subdivision, thereby presenting serious practical difficulties and obstacles in the way of accomplishing such amendments. Further, certain procedural obstacles concerning how often restrictive covenants can be amended might prevent a home association from adopting appropriate aesthetic regulations to govern the use of the alternate roofing materials allowed by this ordinance in a timely fashion to allow them to be in effect on April 24, 2000, the effective date of this ordinance, thereby requiring the Governing Body to modify such procedural requirements to allow such timely action to take place.
 8. In deciding issues that have a direct and immediate effect on the lives, quality of living and property values of the residents of a subdivision, and issues that have serious public safety impacts on the subdivision and the entire community, it is in the democratic tradition of this county to allow the residents of each local subdivision to make an informed decision on balancing the risks and benefits of various types of roofing materials.
 9. The Governing Body believes that, when offered the opportunity to make an informed decision on this issue, a substantial number of residents throughout the City will decide to

discontinue using wood shingle and wood shake shingle roofing materials, thereby significantly increasing the number of homes in the community that utilize alternative roofing materials that better protect the lives throughout the entire City.

SECTION 55. Overland Park Municipal Code Section 16.110.901.3 is hereby amended to read as follows:

16.110.901.3

Section R901.3 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R901.3 Restrictive covenants. It shall be unlawful for any individual or organization to establish or enforce restrictive covenants which prohibit or effectively prevent the owner of a residential dwelling from using any of the following types of shingles for roof covering materials allowed by this code: wood shingle or wood shake, composite, slate, tile, clay or concrete. Nothing in this ordinance shall prohibit a homes association, if it determines to do so, from adopting restrictive covenants or otherwise governing the use of such roofing materials only to the extent of regulating the colors, styles or dimensions of roofing materials, or other aesthetic factors. Notwithstanding any existing procedural provisions governing the time period for consideration of amendments of restrictive covenants by home associations to the contrary, a home association, if it determines to do so, may amend their restrictive covenants to provide for such aesthetic regulations for a period of 180 days from and after April 24, 2000. Any such amendments after that 180 day period of time shall be subject to any procedural requirements set forth in such covenants.

SECTION 56. Overland Park Municipal Code Section 16.110.1101.2 is hereby added to read as follows:

16.110.1101.2

Section N1101.2 of the 2003 International Residential Code is hereby amended to read as follows:

N1101.2 Compliance. Compliance with this chapter shall be demonstrated by meeting the requirements of the applicable sections and tables of this chapter. Where compliance is obtained using the Home Energy Rating system the energy rating shall be performed in accordance with the Mortgage Industry National Home Energy Rating System Accreditation Standard by a rater certified and listed by the Residential Energy Services Network (RESNET). Approval from the Building Official to utilize the Home Energy Rating as a means of demonstrating compliance with this chapter shall be obtained prior to issuance of the building permit. Where applicable, provisions are based on the climate zone where the building is located. The climate zone where the building is located shall be based on zone assignments in Table N1101.2 for the county and state in which the building is being constructed. Alternatively, the climate zone shall be permitted to be determined by the heating degree days assigned by the Building Official.

N1101.2.1 Detached one- and two-family dwellings. Compliance shall be demonstrated by either:

1. Meeting the requirements of this chapter for buildings with a glazing area that does not exceed 15 percent of the gross area of exterior walls;
2. Meeting the requirements of the International Energy Conservation Code for detached one- and two-family dwellings;
3. Verification the dwelling has a Home Energy Rating score of 80 or more.
4. REScheck building energy software; or
5. All portions of the building envelope comply with Table N1102.1(1).

N1101.2.2 Townhouses. Compliance shall be demonstrated by either:

1. Meeting the requirements of this chapter for buildings with a glazing area that does not exceed 25 percent of the gross area of exterior walls;
2. Meeting the requirements of the International Energy Conservation Code for residential buildings of Group R-2, R-4 or townhouses;
3. Verification the townhouse has a Home Energy Rating of 80 or more.
4. REScheck building energy software; or
5. All portions of the building envelope comply with Table N1102.1(1).

SECTION 57. Overland Park Municipal Code Section 16.110.1102.1 is hereby added to read as follows:

16.110.1102.1

Section N1102.1 of the 2003 International Residential Code is hereby amended to read as follows:

N1102.1 Thermal performance. The minimum required insulation R-value or the area-weighted average maximum required fenestration U-factor (other than opaque doors which are governed by Section N1102.1.3) for each element in the building thermal envelope (fenestration, roof/ceiling, opaque wall, floor, slab edge, crawl space wall and basement wall) shall be in accordance with the criteria in Table N1102.1 or Table N1102.1(1).

**TABLE N1102.1
SIMPLIFIED PRESCRIPTIVE BUILDING ENVELOPE THERMAL COMPONENT CRITERIA
MINIMUM REQUIRED THERMAL PERFORMANCE (U-FACTOR AND R-VALUE)**

BUILDING LOCATION		MAXIMUM GLAZING U-FACTOR [Btu/(hr•ft ² •°F)]	MINIMUM INSULATION R-VALUE [(hr•ft ² •°F)/Btu]					
Climate Zone	HDD		Ceilings	Walls	Floors	Basement walls	Slab perimeter R-value and depth	Crawl space walls
1	0-499	Any	R-13	R-11	R-11	R-0	R-0	R-0
2	500-999	0.90	R-19	R-11	R-11	R-0	R-0	R-4
3	1,000-1,499	0.75	R-19	R-11	R-11	R-0	R-0	R-5
4	1,500-1,999	0.75	R-26	R-13	R-11	R-5	R-0	R-5
5	2,000-2,499	0.65	R-30	R-13	R-11	R-5	R-0	R-6
6	2,500-2,999	0.60	R-30	R-13	R-19	R-6	R-4, 2 ft.	R-7
7	3,000-3,499	0.55	R-30	R-13	R-19	R-7	R-4, 2 ft.	R-8

8	3,500-3,999	0.50	R-30	R-13	R-19	R-8	R-5, 2 ft.	R-10
9	4,000-4,499	0.45	R-38	R-13	R-19	R-8	R-5, 2 ft.	R-11
10	4,500-4,999	0.45	R-38	R-16	R-19	R-9	R-6, 2 ft.	R-17
11	5,000-5,499	0.45	R-38	R-18	R-19	R-9	R-6, 2 ft.	R-17
12	5,500-5,999	0.40	R-38	R-18	R-21	R-10	R-9, 4 ft.	R-19
13	6,000-6,499	0.35	R-38	R-18	R-21	R-10	R-9, 4 ft.	R-20
14	6,500-6,999	0.35	R-49	R-21	R-21	R-11	R-11, 4 ft.	R-20
15	7,000-8,499	0.35	R-49	R-21	R-21	R-11	R-13, 4 ft.	R-20
16	8,500-8,999	0.35	R-49	R-21	R-21	R-18	R-14, 4 ft.	R-20
17	9,000-12,999	0.35	R-49	R-21	R-21	R-19	R-18, 4 ft.	R-20

For SI: 1 Btu / (hr • ft² • °F) = 5.68 W/m² • K, 1 (hr • ft² • °F)/Btu = 0.176m² • K/W.

TABLE N1102.1(1) Alternate Insulation Values

Thermal Component	Minimum Insulating Value
Ceiling R-value	R-38
Cathedral Ceiling R-value	R-30
Floor over unheated space	R-19
Floor over outside air	R-30
Basement wall ^a	R-10
Crawl Space	R-19
Exterior Wall ^b	R-13
Glazing ^c	$U \leq 0.40$
Glazing ^c	$SHGC \leq 0.40$

- Basement walls complying with Section N1102.1.5 are acceptable for use of the alternate insulation values table.
- The default U-factor for fixed windows (Patio Glass) with double panes, argon-filled and with low-e treatment shall be 0.40. Skylights shall have a maximum U-factor of 0.80.
- Steel-frame walls shall have one of the following combinations of wall cavity and sheathing R-values – R-11+R-5, R-15+R-4, or R-21+R-3.

N1102.1.1 Exterior walls. The minimum required R-value in Table N1102.1 shall be met by the sum of the R-values of the insulation materials installed in framing cavities and/or insulating sheathing applied, and not by framing, drywall, structural sheathing, or exterior siding materials. Insulation separated from the conditioned space by a vented space shall not be counted towards the required R-value.

N1102.1.1.1 Mass walls. Mass walls shall be permitted to meet the mass wall criteria in Table N1102.1.1.1(1), based on the insulation position and the climate zone where the building is located. Other mass walls shall meet the frame wall criteria for the building type and the climate zone where the building is located, based on the sum of interior and exterior insulation. Walls with exterior insulation position have the entire effective mass layer interior to an insulation layer. Walls with integral insulation position have either insulation and mass materials well mixed as in wood (logs); or substantially equal amounts of mass material on the interior and exterior of insulation as in concrete masonry units with insulated cores or masonry cavity walls. Walls with interior insulation

position have the mass material located exterior to the insulating material. Walls not meeting either of the above descriptions for exterior or integral positions shall meet the requirements for "Other mass walls" in Table N1102.1.1.1(1). The R-value of the mass assembly for typical masonry constructions shall be taken from Table N1102.1.1.1(2). The R-value for a solid concrete wall with a thickness of 4 inches or greater is R-1.1. R-values for other assemblies are permitted to be based on hot box tests referenced in ASTM C 236 or ASTM C 976, two dimensional calculations or isothermal planes calculations.

TABLE N1102.1.1.1(1)
MASS WALL PRESCRIPTIVE BUILDING ENVELOPE REQUIREMENTS

BUILDING LOCATION		MASS WALL ASSEMBLY R-VALUE ^a (hr • ft ² •°F)/Btu	
Climate Zone	HDD	Exterior or integral insulation	Other mass walls
1	0-499	R-3.8	R-9.7
2	500-999	R-4.8	R-9.7
3	1,000-1,499	R-4.8	R-9.7
4	1,500-1,999	R-8.1	R-10.8
5	2,000-2,499	R-8.9	R-10.8
6	2,500-2,999	R-8.9	R-10.8
7	3,000-3,499	R-8.9	R-10.8
8	3,500-3,999	R-8.9	R-10.8
9	4,000-4,499	R-8.9	R-10.9
10	4,500-4,999	R-10.4	R-12.3
11	5,000-5,499	R-11.9	R-15.2
12	5,500-5,999	R-11.9	R-15.2
13	6,000-6,499	R-11.9	R-15.2
14	6,500-6,999	R-15.5	R-18.4
15	7,000-8,499	R-15.5	R-18.4
16	8,500-8,999	R-18.4	R-18.4
17	9,000-12,999	R-18.4	R-18.4

For SI: 1 (hr • ft²•°F)/Btu = 0.176 m² • K/W.

a. The sum of the value in Table N1102.1.1.1(2) and additional insulation layers.

TABLE N1102.1.1.1(2)
MASS ASSEMBLY R-VALUES

ASSEMBLY TYPE	UNGROUTED CELLS NOT INSULATED (hr • ft ² • °F) / Btu	UNGROUTED CELLS INSULATED (hr • ft ² •°F)/Btu		
		No grout	Vertical cells grouted at 10 ft. o.c. or greater	Vertical cells grouted at less than 10 ft. o.c.
6" Light weight concrete block	2.3	5.0	4.5	3.8
6" Medium weight concrete block	2.1	4.2	3.8	3.2
6" Normal weight concrete block	1.9	3.3	3.1	2.7
8" Light weight concrete block	2.6	6.7	5.9	4.8
8" Medium weight concrete block	2.3	5.3	4.8	4.0
8" Normal weight concrete block	2.1	4.2	3.8	3.3
12" Light weight concrete block	2.9	9.1	7.9	6.3
12" Medium weight concrete block	2.6	7.1	6.4	5.2

12" Normal weight concrete block	2.3	5.6	5.1	4.3
Brick cavity wall	3.7	6.7	6.2	5.4
Hollow clay brick	2.0	2.7	2.6	2.4

For SI: 1 inch= 25.4 mm, 1 foot= 304.8 mm, 1 (hr • ft²•°F)/Btu = 0.176 m² • K/W.

N1102.1.1.2 Steel-frame walls. The minimum required R-values for steel-frame walls shall be in accordance with Table N1102.1.1.2.

**TABLE N1102.1.1.2
STEEL-FRAME WALL MINIMUM PERFORMANCE REQUIREMENTS (R-VALUE)**

CLIMATE ZONES	HDD	EQUIVALENT STEEL-FRAME WALL CAVITY AND SHEATHING R-VALUE ^a (hr • ft ² •°F)/Btu
1-4	0-1999	R-11+R-5, R-15+R-4, R-21+R-3
5-8	2,000-3,999	R-11+R-5, R-15+R-4, R-21+R-3
9-12	4,000-5,999	R-11+R-9, R-15+R-8, R-21+R-7
13-15	6,000-8,499	R-13+R-10, R-19+R-9, R-25+R-8
16 and 17	8,500-12,999	R-13+R-10, R-19+R-9, R-25+R-8

For SI: 1 (hr • ft²•°F)/Btu = 0.176 m² • K/W.

a. The cavity insulation R-value requirement is listed first, followed by the sheathing R-value requirement.

N1102.1.2 Ceilings. The required "Ceiling R-value" in Table N1102.1 assumes standard truss or rafter construction and shall apply to all roof/ceiling portions of the building thermal envelope, including cathedral ceilings. Where the construction technique allows the required R-value of ceiling insulation to be obtained over the wall top plate, R-30 shall be permitted to be used where R-38 is required and R-38 shall be permitted to be used where R-49 is required.

N1102.1.3 Opaque doors. Opaque doors separating conditioned and unconditioned space shall have a maximum U-factor of 0.35. One opaque door shall be permitted to be exempt from this U-factor requirement.

N1102.1.4 Floors. The required R-value in Table N1102.1 shall apply to all floors, except any individual floor assembly with over 25 percent of its conditioned floor area exposed directly to outside air shall meet the R-value requirement in Table N1102.1 for "Ceilings."

N1102.1.5 Basement walls. When the basement is a conditioned space, the basement walls shall be insulated in accordance with Table N1102.1. When the basement is not a conditioned space, either the basement walls or the ceilings separating the basement from conditioned space shall be insulated in accordance with Table N1102.1. When insulating basement walls, the required R-value shall be applied from the top of the basement wall to a depth of 10 feet below grade or to the top of the basement floor, whichever is less.

N1102.1.5.1 Concrete and masonry basement walls. Insulation is not required for concrete or masonry portions of basement walls of one- and two-family dwellings, which are not adjacent to finished space and are more than 50 percent

below grade. Walls shall be insulated whenever the adjacent interior space is finished.

N1102.1.6 Slab-on-grade floors. For slabs with a top edge above finished grade or 12 inches or less below finished grade, the required R-value in Table N1102.1 shall be applied to the outside of the foundation or the inside of the foundation wall. The insulation shall extend downward from the top of the slab, or downward to the bottom of the slab and then horizontally in either direction, until the distance listed in Table N1102.1 is reached.

When installed between the exterior wall and the edge of the interior slab, the top edge of the insulation shall be permitted to be cut at a 45-degree angle away from the exterior wall. Insulation extending horizontally away from the building shall be protected by pavement or by a minimum of 10 inches of soil.

In locations of 500 HDD or greater, R-2 shall be added to the values in Table N1102.1 where uninsulated hot water pipes, air distribution ducts or electric heating cables are installed within or under the slab.

Exception: Slab perimeter insulation is not required for unheated slabs in areas of very heavy termite infestation probability as shown in Figure R301.2(6). Where this exception is used, building envelope compliance shall be demonstrated by (a) using International Energy Conservation Code Section 502.2.2 or International Energy Conservation Code Chapter 4 with the actual slab insulation R-value in Table N1102.1, or (b) using International Energy Conservation Code Section 502.2.4.

N1102.1.7 Crawl space walls. Where the floor above the crawl space is uninsulated, insulation shall be installed on crawl space walls when the crawl space is not vented to outside air. The required R-value in Table N1102.1 shall be applied inside of the crawl space wall, downward from the sill plate to the exterior finished grade level and then vertically and/or horizontally for at least an additional 24 inches. The exposed earth in all crawl space foundations shall be covered with a continuous vapor retarded having a maximum permeance rating of 1.0 perm, when tested in accordance with ASMT E 96.

N1102.1.8 Masonry veneer. For exterior foundation insulation, that horizontal portion of the foundation that supports a masonry veneer shall not be required to be insulated.

N1102.1.9 Protection. Exposed insulating materials applied to the exterior of foundation walls shall be protected. The protection shall extend at least 6 inches below finished grade level.

N1102.1.10 Air leakage. All joints, seams, penetrations; site-built windows, doors, and skylights; openings between window and door assemblies and their respective jambs and framing; and other sources of air leakage (infiltration and exfiltration) through the

building thermal envelope shall be caulked, gasketed, weatherstripped, wrapped, or otherwise sealed to limit uncontrolled air movement.

N1102.1.11 Recessed lighting fixtures. When installed in the building envelope, recessed lighting fixtures shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.
2. Type IC or non-IC rated, installed inside a sealed box constructed from a minimum 0.5-inch-thick gypsum wallboard or constructed from a preformed polymeric vapor barrier, or other air-tight assembly manufactured for this purpose, while maintaining required clearances of not less than 0.5 inch from combustible material and not less than 3 inches from insulation material.
3. Type IC rated, in accordance with ASTM E 283 admitting no more than 2.0 cubic feet per minute (cfm) of air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 1.57 psi pressure difference and shall be labeled.

SECTION 58. Overland Park Municipal Code Section 16.110.3103.1 is hereby amended to read as follows:

16.110.3103.1

Section P3103.1 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least 6 inches above the roof except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

SECTION 59. Overland Park Municipal Code Section 16.110.3802.11 is hereby added to read as follows:

16.110.3802.11

Section E3802.11 of the 2003 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

E3802.11 Bedroom outlets. All branch circuits that supply 125-volt, single-phase, 15- and 20-ampere outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit interrupter listed to provide protection of the entire branch circuit.

Exception: Smoke detectors shall not be installed on branch circuits which are protected by an arc-fault circuit interrupter.

SECTION 60. Overland Park Municipal Code Section 16.120.100 is hereby amended to read as follows:

16.120.100 Fire Code -- Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2003 International Fire Code, dated December, 2002, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2003 International Fire Code shall be marked Official Copy as Adopted by Ordinance No. BC-2459, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 61. Overland Park Municipal Code Section 16.120.101.2 is hereby added to read as follows:

16.120.101.2

Section 101.2 of the 2003 International Fire Code is hereby amended to read as follows:

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.1.1 Appendices adopted. The following appendices are adopted as part of this code:

Appendix B – Fire Flow Requirements for Buildings.

Appendix C – Fire Hydrant Locations and Distribution.

Appendix D – Fire Apparatus Access Roads.

SECTION 62. Overland Park Municipal Code Section 16.120.102.6 is hereby added to read as follows:

16.120.102.6

Section 102.6 of the 2003 International Fire Code is hereby amended to read as follows:

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.6.1 Electrical Code. The ICC Electrical Code referenced in Chapter 45 has been deleted and replaced with NFPA-70 (National Electrical Code). Wherever the term ICC Electrical Code has been used in this code it shall be used synonymously with the term “NFPA-70” listed in Chapter 45.

102.6.2 International Building Code. The International Existing Building Code referenced in Chapter 45 has been deleted. Wherever the term International Existing Building Code has been used in this code it shall be used synonymously with the term “International Building Code” listed in Chapter 45.

SECTION 63. Overland Park Municipal Code Section 16.120.103 is hereby amended to read as follows:

16.120.103

Section 103 of the 2003 International Fire Code is hereby deleted.

SECTION 64. Overland Park Municipal Code Section 16.120.105.1 is hereby amended to read as follows:

16.120.105.1

Section 105.1 of the 2003 International Fire Code is hereby amended to read as follows:

105.1 General. Permits shall be in accordance with Section 105. Where permits are required elsewhere in this code, the Building Official shall be permitted to waive the requirements for issuance of a permit provided public safety and welfare is maintained. Permits are specifically required for the following:

Operational permits.

1. Explosives – (105.6.15) – (includes explosives, blasting and fireworks).
2. Hazardous materials – (105.6.21).
3. Open burning – (105.6.31).
4. Pyrotechnic special effects materials – (105.6.37).
5. Pyroxylin Plastics. – (105.6.38).

Construction permits.

1. Temporary membrane structures, tents, and canopies (105.7.12).

105.1.1 Permits required. Permits required by this code shall be obtained from the Overland Park Fire Department. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Department. When not included in permits required by Section 105 of the 2003 International Building Code permits specifically required in Section 105.1 shall be submitted to and approved by the Overland Park Fire Department.

Exceptions:

1. Fireworks. Permit applications for fireworks permits shall be submitted to the City Clerk as required by O.P.M.C. Chapter 5.40.
2. Explosives and blasting agents. Permit applications for blasting and explosives shall be submitted to the Planning and Development Services Department Engineering Services Division with subsequent review and approval by the Overland Park Fire Department.
3. Open Burning.
4. Temporary membrane structures, tents, and canopies.

105.1.2 Types of permits. There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:
 - 1.1 A prescribed period.
 - 1.2 Until renewed or revoked.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

105.1.3 Permits for the same location. When more than one permit is required for the same location, the Building Official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

SECTION 65. Overland Park Municipal Code Section 16.120.105.6.15 is hereby amended to read as follows:

16.120.105.6.15

Section 105.6.15 of the 2003 International Fire Code is hereby deleted.

SECTION 66. Overland Park Municipal Code Section 16.120.105.6.21 is hereby amended to read as follows:

16.120.105.6.21

Section 105.6.21 of the 2003 International Fire Code is hereby amended to read as follows:

105.6.21 Hazardous materials. An operational permit is required for the using, dispensing, transporting, handling, and/or storing of extremely hazardous substances. "Extremely Hazardous Substances Facilities" (EHS) are defined as facilities subject to the provisions of Superfund Amendments and Reauthorization Act of 1986 (SARA TITLE III), Section 302, for storing, dispensing, using, or handling of listed chemicals in excess of their threshold planning quantities (TPQ).

SECTION 67. Overland Park Municipal Code Section 16.120.105.6.31 is hereby amended to read as follows:

16.120.105.6.31

Section 105.6.31 of the 2003 International Fire Code is hereby amended to read as follows:

105.6.31 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Applications for open burning shall be submitted in writing to the Overland Park Fire Department, before the fire is set and shall be in such form and contain such information as required by the Fire Department. Such applications shall contain information regarding the purpose of the proposed burning, the nature and quantities of material to be burned, the time and date when such burning will take place, the location of the burning site, and the name and phone number of the person responsible for supervision of the burning.

SECTION 68. Overland Park Municipal Code Section 16.120.105.7.12 is hereby added to read as follows:

16.120.105.7.12

Section 105.7.12 of the 2003 International Fire Code is hereby amended to read as follows:

105.7.12 Temporary membrane structures, tents and canopies. A construction permit is required to erect an air-supported temporary membrane structure or a tent having an area in excess of 900 square feet, or a canopy in excess of 900 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the Building Official.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.

SECTION 69. Overland Park Municipal Code Section 16.120.108 is hereby amended to read as follows:

16.120.108

Section 108 of the 2003 International Fire Code is hereby deleted.

SECTION 70. Overland Park Municipal Code Section 16.120.109.3 is hereby amended to read as follows:

16.120.109.3

Section 109.3 of the 2003 International Fire Code is amended to read as follows:

109.3 Violation penalties. Persons who shall violate a provision of this code, or Chapters 16.100 through 16.190 of the Overland Park Municipal Code, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, is guilty of a public offense, punishable as provided in Overland Park Municipal Code Section 1.12.010.

SECTION 71. Overland Park Municipal Code Section 16.120.111.4 is hereby amended to read as follows:

16.120.111.4

Section 111.4 of the 2003 International Fire Code is hereby deleted.

SECTION 72. Overland Park Municipal Code Section 16.120.307.2 is hereby amended to read as follows:

16.120.307.2

Section 307.2 of the 2003 International Fire Code is hereby amended to read as follows:

307.2 Permit required. A permit shall be obtained from the Overland Park Fire Department in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, bonfire, or a recreational fire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.2.2 Prohibited open burning. Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The Building Official is authorized to order the extinguishment by the permit holder or the Fire Department of open burning which creates or adds to the hazardous or objectionable situation. Open burning of vegetation, leaves, and rubbish is prohibited except as provided in this Section.

SECTION 73. Overland Park Municipal Code Section 16.120.307.3 is hereby amended to read as follows:

16.120.307.3

Section 307.3 of the 2003 International Fire Code is hereby amended to read as follows:

307.3 Location. The location for open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet from a structure.
2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.
3. Open burning for land clearing purposes shall not be less than 1,000 feet from any structure or public roadway and at least one mile from any airport. The Building Official may set the location as deemed necessary when it is determined that a closer location is not hazardous.

307.3.1 Bonfires. A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

307.3.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

307.3.3 Land clearing. On-site open burning operations carried out for the purpose of burning materials associated with land clearing operations or crop or game management practices shall be permitted with the following restrictions:

1. Such burning is not carried out on any one parcel of land for a time period aggregating more than five days during any calendar year.
2. Such burning shall be limited to natural vegetation present on the site at which the land clearance and burning is carried out.
3. Burning operations shall not be initiated until at least one hour after sunrise, and all active blazes shall be extinguished at sunset. Burning shall not be carried out during inclement or foggy conditions or on very cloudy days.
4. Burning shall be restricted to periods when surface wind speed is more than five (5) mph and less than 15 mph and from a direction that will not carry the smoke over any occupied dwellings or public roadways or any airports within one mile of the burning site.
5. All burning of materials associated with land clearing operations shall take place in a pit approved by the Fire Department. A blower capable of injecting sufficient air into the pit is required. Those sites without pits and blowers will be rejected.
6. The burning of vegetation in providing a firebreak in pasture or other crop management may be allowed where necessary during evening or early morning

hours in order to take advantage of calm wind conditions. Such burning shall take place no closer than 1,000 feet from any structure.

Exceptions:

1. The burning of debris resulting from a declared disaster or emergency is allowed by City personnel or their designates on City-owned public property when authorized by the City Council and approved by the Fire Department.
2. The setting of fires for purposes relating to the training of government or industrial personnel in fire fighting procedures when such activity is approved by the Fire Department.

SECTION 74. Overland Park Municipal Code Section 16.120.308.3.1.1 is hereby added to read as follows:

16.120.308.3.1.1

Section 308.3.1.1 of the 2003 International Fire Code is hereby amended to read as follows:

308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds (1.14 kg) [normal 1 pound (0.464 kg) LP-gas capacity] shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

- 1 One- and two-family dwellings.
2. Where buildings and decks are protected by an automatic sprinkler system.

SECTION 75. Overland Park Municipal Code Section 16.120.310.2 is hereby amended to read as follows:

16.120.310.2

Section 310.2 of the 2003 International Fire Code is hereby amended to read as follows:

310.2 Prohibited areas. Smoking shall be prohibited where conditions are such as to make smoking a hazard, including areas of piers, wharves, warehouses, stores, industrial plants, institutions, schools, assembly occupancies and in spaces where flammable or combustible materials are stored or handled.

Exception: Smoking shall be permitted in approved designated smoking areas as provided for in O.P.M.C Chapter 11.52.

SECTION 76. Overland Park Municipal Code Section 16.120.407.2 is hereby added to read as follows:

16.120.407.2

Section 407.2 of the 2003 International Fire Code is amended to read as follows:

407.2 Material Safety Data Sheets. Material Safety Data Sheets (MSDS) for all hazardous materials shall be readily available on the premises.

407.2.1 Extremely Hazardous Substance (EHS) repository container. A repository container (lock box) shall be provided for all facilities containing extremely hazardous substances and shall include a list of personnel designated by Section 407.4 and additional information as required by Section 407.5 through 407.7.

SECTION 77. Overland Park Municipal Code Section 16.120.503.3 is hereby added to read as follows:

16.120.503.3

Section 503.3 of the 2003 International Fire Code is amended to read as follows:

503.3 Marking. Where required by the Fire Department, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.3.1 Marking requirements. Each separate fire lane signage, which may consist of one sign or a combination of signs, shall have a cumulative minimum size of 96 square inches and contain the "No Parking" words or symbol with the words "Fire Lane" located directly beneath the "No Parking" words or symbol. Each sign or combination of signs are required to be uniformly mounted between two feet eight inches (2'8") to seven feet zero inches (7'0") above grade to the bottom of the sign, and so located not to obstruct pedestrian traffic. The sign or combination of signs shall be mounted within six feet (6') of the curb or striped pavement and are required to face or run parallel with oncoming vehicular traffic. The sign or combination of signs may be mounted on the building, pole base, or any other structure provided the signage meets the setback and minimum and maximum height requirements indicated above. The sign, or combination of signs, are required to be spaced no more than 200 feet (200') apart. In addition, the curb, or pavement if a curb is absent, is required to be marked with a yellow stripe that shall run not less than six feet (6') of each thirty-foot length of fire lane. Each separate yellow striped area shall contain 3-inch black lettering indicating "Fire Lane"; provided, however, that the presence of such lettering is not a prerequisite to the enforcement of fire lane parking violations. Furthermore, the exceeding of any standards intended to inform the public of the location of a fire lane shall not affect the enforcement of this Section.

SECTION 78. Overland Park Municipal Code Section 16.120.505.1 is hereby amended to read as follows:

16.120.505.1

Section 505.1 of the 2003 International Fire Code is hereby amended to read as follows:

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their

background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Numbers shall be a minimum height of: four inches (4") in Use Groups R-3 and R-4; six inches (6") in Use Group R-3 Child Care Facilities; and eight inches (8") in all other Use Groups. When required by the Building Official, the identifying numbers shall be lighted by an approved light source.

505.1.1 Secondary address numbers. Multi-tenant retail shopping centers in which tenant spaces have secondary entry doors from an exterior facade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of four inches (4") in height.

Exceptions:

1. If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead or cargo doors and normal passage doors).
2. Further exceptions shall be permitted by the Building Official after consultation with the Crime Prevention Unit of Overland Park Police Department if it can be shown that marking the doors would create a security risk.

SECTION 79. Overland Park Municipal Code Section 16.120.506.2 is hereby amended to read as follows:

16.120.506.2

Section 506.2 of the 2003 International Fire Code is hereby amended to read as follows:

506.2 Key box maintenance. The operator of the building shall immediately notify the Overland Park Fire Department and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box. The key box shall be maintained in working order by the operator/owner/occupant of the building.

SECTION 80. Overland Park Municipal Code Section 16.120.508.1 is hereby added to read as follows:

16.120.508.1

Section 508.1 of the 2003 International Fire Code is amended to read as follows:

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

508.1.1 Water distribution system failures. Water districts serving areas within Overland Park shall notify the Emergency Communications Center of any failure in their water distribution system; hydrant repair, main breaks, pump failures, or other interruptions of water supply that may affect water supply for fire control purposes.

SECTION 81. Overland Park Municipal Code Section 16.120.508.4 is hereby added to read as follows:

16.120.508.4

Section 508.4 of the 2003 International Fire Code is hereby amended to read as follows:

508.4 Water supply test. The Overland Park Fire Department shall be notified prior to the water supply test. Water supply tests shall be witnessed by the Fire Department or approved documentation of the test shall be provided to the Fire Department prior to final approval of the water supply system.

508.4.1 Testing notification. Fire Departments serving areas within Overland Park shall notify the Emergency Communications Center when conducting flow tests and when they are flowing 500 g.p.m. or more. The Emergency Communications Center shall notify the appropriate water district serving the area.

SECTION 82. Overland Park Municipal Code Section 16.120.508.5.2 is hereby added to read as follows:

16.120.508.5.2

Section 508.5.2 of the 2003 International Fire Code is hereby amended to read as follows:

508.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the Fire Department. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.

508.5.2.1 Line and hydrant tests. Private hydrants and supply piping shall be tested as specified in NFPA 24. Hydrants shall comply with the AWWA standards adopted by the Johnson County Water District and maintained to AWWA-M17.

508.5.2.2 Hydrants – color. All hydrants shall be painted and highly visible. Private hydrants shall be painted red in color.

SECTION 83. Overland Park Municipal Code Section 16.120.510.1 is hereby added to read as follows:

16.120.510.1

Section 510.1 of the 2003 International Fire Code is hereby amended to read as follows:

510.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the Fire Department.

Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

510.1.1 Identification standard. Rooms containing the equipment identified in Section 510.1 shall be identified by minimum 4-inch (4”) letters with a minimum 0.5-inch (0.5”) stroke on contrasting background.

SECTION 84. Overland Park Municipal Code Section 16.120.804.1.1 is hereby added to read as follows:

16.120.804.1.1

Section 804.1.1 of the 2003 International Fire Code is hereby amended to read as follows:

804.1.1 Restricted occupancies. Natural cut needle bearing trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

Exception: Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Use Group R-2.

SECTION 85. Overland Park Municipal Code Section 16.120.901.4.5 is hereby amended to read as follows:

16.120.901.4.5

Section 901.4.5 of the 2003 International Fire Code is hereby added to read as follows:

901.4.5 Existing installations - supervision. All existing required fire suppression and fire alarm systems shall be supervised in conformance with Sections 903.4 and 907.15, respectively.

SECTION 86. Overland Park Municipal Code Section 16.120.903.3.7 is hereby amended to read as follows:

16.120.903.3.7

Section 903.3.7 of the 2003 International Fire Code is hereby amended to read as follows:

903.3.7 Fire department connections. The location of Fire Department connections shall be approved by the Overland Park Fire Department. The connection shall be a 30 degree elbow fitted with a four-inch (4”) Storz quick coupling connector.

SECTION 87. Overland Park Municipal Code Section 16.120.906.1 is hereby amended to read as follows:

16.120.906.1

Section 906.1 of the 2003 International Fire Code is hereby amended to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. In all Group A, B, E, F, H, I, M, R-1, R-4 and S occupancies.
Exception: In Group A, B and E occupancies equipped throughout with quick-response sprinklers, fire extinguishers shall be required only in special-hazard areas.
2. Within 30 feet of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the Building Official.

SECTION 88. Overland Park Municipal Code Section 16.120.913.4 is hereby amended to read as follows:

16.120.913.4

Section 913.4 of the 2003 International Fire Code is hereby amended to read as follows:

913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods.

1. Central-station, proprietary, or remote-station signaling service.
2. Local signaling service that will cause the sounding of an audible signal at a constantly attended location.

913.4.1 Test outlet valve supervision. Fire pump test outlet valves shall be supervised in the closed position.

SECTION 89. Overland Park Municipal Code Section 16.120.1019.1.7 is hereby added to read as follows:

16.120.1019.1.7

Section 1019.1.7 of the 2003 International Fire Code is amended to read as follows:

1019.1.7 Stairway floor number signs. A sign shall be provided at each floor landing in interior vertical exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the stair enclosure and the identification of the stair. The signage shall also state the story of, and the direction to the exit discharge and the availability of roof access from the stairway for the Fire Department. The signs shall be color coded, or have colored borders that are identified as follows: red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the fourth, and green for the fifth. The sign shall be located five feet above the floor landing in a position which is readily visible when the doors are in the open and closed positions.

SECTION 90. Overland Park Municipal Code Section 16.120.2403.2 is hereby added to read as follows:

16.120.2403.2

Section 2403.2 of the 2003 International Fire Code is hereby deleted.

SECTION 91. Overland Park Municipal Code Section 16.120.3301.1.3 is hereby amended to read as follows:

16.120.3301.1.3

Section 3301.1.3 of the 2003 International Fire Code is amended to read as follows:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Wholesale, storage, sale and/or handling of fireworks as permitted in Section 3304, and OPMC 5.40.020 and 5.40.120.
2. Activities complying with OPMC 5.40.120.
3. The use of fireworks for display as permitted in Section 3308.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.

SECTION 92. Overland Park Municipal Code Section 16.120.3304.1 is hereby amended to read as follows:

16.120.3304.1

Section 3304.1 of the 2003 International Fire Code is amended to read as follows:

3304.1 General. Storage of explosives and explosive materials, other than Division 1.4G fireworks, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines, shall conform to the provisions of this Section and OPMC Chapters 5.36 and 5.38.

SECTION 93. Overland Park Municipal Code Section 16.120.3305 is hereby amended to read as follows.

16.120.3305

Section 3305 of the 2003 International Fire Code is hereby deleted.

SECTION 94. Overland Park Municipal Code Section 16.120.3403.6.3.2 is hereby amended to read as follows:

16.120.3403.6.3.2

Section 3403.6.3.2 of the 2003 International Fire Code is hereby added to read as follows:

3403.6.3.2 Maintenance testing. All pressure piping in remote pumping installations shall be subjected to a pressure test at intervals no greater than two years. The test shall be conducted using an approved testing system or method approved by the Building Official and tested per manufacturer's specifications. The date of test, the duration, the name of the operator, operator certification number, and test results shall be recorded and maintained until the date of the next test.

SECTION 95. Overland Park Municipal Code Section 16.120.3404.2.11.5.2 is hereby amended to read as follows:

16.120.3404.2.11.5.2

Section 3404.2.11.5.2 of the 2003 International Fire Code is hereby deleted.

SECTION 96. Overland Park Municipal Code Section 16.120.3404.2.12.3 is hereby amended to read as follows:

16.120.3404.2.12.3

Section 3404.2.12.3 of the 2003 International Fire Code is hereby added to read as follows:

3404.2.12.3 Testing of Storage Tanks in service. All underground flammable liquid storage tanks which have been buried for five or more years shall be tested for tightness to the standards set forth in NFPA 30 2000 and NFPA 30A 2000. The test shall be conducted using an approved testing system or method approved by the Building Official. In the event that such approved testing system or method is required on any buried storage tank prior to the expiration of the five years, a later test will not be required without cause until the expiration of five years from the date of the last test. After the fifth year, such approved tests shall be repeated on all such tanks at intervals no greater than five years without cause. The date of the test, the model and the type of tester, the name of the operator of the equipment, the operator's certification number, the duration, and results thereof shall be recorded and maintained until the date of the next test. A copy of the test results shall be sent to the Building Official.

Exception: All steel tanks which have been internally coated shall be tested for tightness every two years as indicated above.

SECTION 97. Overland Park Municipal Code Section 16.120.3404.2.13.1.3 is hereby amended to read as follows:

16.120.3404.2.13.1.3

Section 3404.2.13.1.3 of the 2003 International Fire Code is hereby amended to read as follows:

3404.2.13.1.3 Out of service for one (1) year. Underground tanks that have been out of service for a period of one (1) year shall be removed from the ground in accordance with Section 3404.2.14.

SECTION 98. Overland Park Municipal Code Section 16.120.3404.2.13.1.4 is hereby amended to read as follows.

16.120.3404.2.13.1.4

Section 3404.2.13.1.4 of the 2003 International Fire Code is hereby deleted.

SECTION 99. Overland Park Municipal Code Section 16.120.D103.1 is hereby added to read as follows:

16.120.D103.1

Section D103.1 of Appendix D of the 2003 International Fire Code is hereby deleted.

SECTION 100. Overland Park Municipal Code Section 16.120.D104.1 is hereby added to read as follows:

16.120.D104.1

Section D104.1 of Appendix D of the 2003 International Fire Code is hereby amended to read as follows:

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

SECTION 101. Overland Park Municipal Code Section 16.120.D107.1 is hereby added to read as follows:

16.120.D107.1

Section D107.1 of Appendix D of the 2003 International Fire Code is hereby amended to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 50 shall be provided with separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. The number of dwelling units served by a single fire apparatus access road may be increased where approved by the Building Official when all dwelling units are protected by an approved sprinkler system.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the Building Official.

SECTION 102. Overland Park Municipal Code Section 16.130.100 is hereby amended to read as follows:

16.130.100 Plumbing Code - Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2003 International Plumbing Code, dated February 2003, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2003 International Plumbing Code shall be marked Official Copy as Adopted by Ordinance No. BC-2459, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 103. Overland Park Municipal Code Section 16.130.101.2 is hereby added to read as follows:

16.130.101.2

Section 101.2 of the 2003 International Plumbing Code is hereby amended to read as follows:

101.2. Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel gas-fired water heaters and water heater venting systems shall be regulated by the International Fuel Gas Code. Provisions in the appendices shall not apply unless specifically adopted.

Exception: Detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

SECTION 104. Overland Park Municipal Code Section 16.130.103 is hereby amended to read as follows:

16.130.103

Sections 103 through 106 of the 2003 International Plumbing Code are hereby deleted.

SECTION 105. Overland Park Municipal Code Section 16.130.108 is hereby amended to read as follows:

16.130.108

Sections 108 and 109 of the 2003 International Plumbing Code are hereby deleted.

SECTION 106. Overland Park Municipal Code Section 16.130.305.6.1 is hereby amended to read as follows:

16.130.305.6.1

Section 305.6.1 of the 2003 International Plumbing Code is hereby amended to read as follows:

305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of eighteen inches (18”) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of forty-two inches (42”) below grade measured from the top of the pipe. Sewer pipe below grade connecting to the public sewer shall comply with the requirements of the Johnson County Wastewater District regulations for sewers.

SECTION 107. Overland Park Municipal Code Section 16.130.305.6.2 is hereby amended to read as follows:

16.130.305.6.2

Section 305.6.2 of the 2003 International Plumbing Code is hereby added to read as follows:

305.6.2 Frost depth. The frost depth is 36 inches (36”).

SECTION 108. Overland Park Municipal Code Section 16.130.312.1 is hereby added to read as follows:

16.130.312.1

Section 312.1 of the 2003 International Plumbing Code is hereby amended to read as follows:

312.1 Required Tests. The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.9 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the Building Official when the plumbing work is ready for tests. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. All plumbing system piping shall be tested with either water or, for piping systems other than plastic, by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The Building Official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.

Exception: DWV Plastic plumbing systems may be tested by air when the plumbing system being tested would be subjected to freezing conditions.

312.1.1 Test gauges. Gauges used for testing shall be as follows:

1. Tests requiring a pressure of 10 psi or less shall utilize a testing gauge having increments of 0.10 psi or less.

2. Tests requiring a pressure of greater than 10 psi but less than or equal to 100 psi shall utilize a testing gauge having increments of 1 psi or less.
3. Tests requiring a pressure of greater than 100 psi shall utilize a testing gauge having increments of 2 psi or less.

SECTION 109. Overland Park Municipal Code Section 16.130.312.6 is hereby amended to read as follows:

16.130.312.6

Sections 312.6 and 312.7 of the 2003 International Plumbing Code are hereby deleted.

SECTION 110. Overland Park Municipal Code Section 16.130.312.9 is hereby amended to read as follows:

16.130.312.9

Section 312.9 of the 2003 International Plumbing Code is hereby deleted.

SECTION 111. Overland Park Municipal Code Section 16.130.504.3 is hereby amended to read as follows:

16.130.504.3

Section 504.3 of the 2003 International Plumbing Code is hereby amended to read as follows:

504.3 Shutdown. A means for disconnecting an electric hot water supply system from its energy supply shall be provided in accordance with the NFPA 70 National Electrical Code, 2002 Edition. A separate valve shall be provided to shut off the energy fuel supply to all other types of hot water supply systems.

SECTION 112. Overland Park Municipal Code Section 16.130.701.2.1 is hereby amended to read as follows:

16.130.701.2.1

Section 701.2.1 of the 2003 International Plumbing Code is hereby added to read as follows:

701.2.1 Public systems available. A public water main or public sewer system shall be considered available when the lot or tract is located within 400 feet (400') of the public water main or sewer and public water main or sewer is considered available for connection by the Johnson County Water District or the Johnson County Wastewater District.

SECTION 113. Overland Park Municipal Code Section 16.130.715.1 is hereby amended to read as follows:

16.130.715.1

Section 715.1 of the 2003 International Plumbing Code is hereby amended as follows:

715.1 Sewage backflow. Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures when required by the Johnson County Wastewater District.

SECTION 114. Overland Park Municipal Code Section 16.130.904.1 is hereby amended to read as follows:

16.130.904.1

Section 904.1 of the 2003 International Plumbing Code is hereby amended as follows:

904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least six inches (6”) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7’) above the roof.

SECTION 115. Overland Park Municipal Code Section 16.130.1101.1 is hereby amended to read as follows:

16.130.1101.1

Section 1101.1 of the 2003 International Plumbing Code is hereby amended to read as follows:

1101.1 Scope. The provisions of this chapter shall govern the materials, design, construction and installation of storm drainage starting at the building roof and terminating at the connection to the site storm drainage system as covered in Title 15 of the Overland Park Municipal Code. Nothing in this chapter shall be construed to take precedence over the requirements set forth in Title 15 of the Overland Park Municipal Code or the requirements set forth by the Johnson County Wastewater District.

SECTION 116. Overland Park Municipal Code Section 16.130.1301 is hereby amended to read as follows:

16.130.1301

Chapter 13 – Referenced Standard **NFPA** Standard Reference Number 70-99 titled National Electric Code, of the 2003 International Plumbing Code is hereby amended to read as follows:

NFPA 70-02 – National Electric Code, 2002 Edition

SECTION 117. Overland Park Municipal Code Section 16.130.1301.1 is hereby added to read as follows:

16.130.1301.1

Chapter 13 – Referenced Standard ICC Standard Reference Number IEBC – 03 titled International Existing Building Code is hereby deleted.

SECTION 118. Overland Park Municipal Code Section 16.140.100 is hereby amended to read as follows:

16.140.100 Mechanical Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2003 International Mechanical Code, dated February, 2003, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2003 International Mechanical Code shall be marked Official Copy as Adopted by Ordinance No. BC-2459, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 119. Overland Park Municipal Code Section 16.140.101.2 is hereby added to read as follows:

16.140.101.2

Section 101.2 of the 2003 International Mechanical Code is hereby amended to read follows:

101.2 Scope. This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

101.2.1 Appendices. Provisions of the appendices shall not apply unless specifically adopted.

SECTION 120. Overland Park Municipal Code Section 16.140.102.10 is hereby amended to read as follows:

16.140.102.10

Section 102.10 of the 2003 International Mechanical Code is hereby added to read as follows:

102.10 State Boiler Inspector. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the state of Kansas, those portions of the work will comply with the state requirements in lieu of compliance with the technical provisions of this code. Contact the State Boiler Inspector at the State Department of Human Resources for complete information regarding state requirements. State approval is generally required for all boilers that require permits.

Exceptions:

1. Boilers serving individual dwelling units and their accessory structures.
2. Boilers serving apartment houses with less than five (5) families.
3. Pressure vessels that do not exceed 15 cubic feet and 250 psi.

SECTION 121. Overland Park Municipal Code Section 16.140.103 is hereby amended to read as follows:

16.140.103

Sections 103 and 104 of the 2003 International Mechanical Code are hereby deleted.

SECTION 122. Overland Park Municipal Code Section 16.140.106.3 is hereby amended to read as follows:

16.140.106.3

Sections 106.3 through 106.5.3 of the 2003 International Mechanical Code are hereby deleted.

SECTION 123. Overland Park Municipal Code Section 16.140.107 is hereby amended to read as follows:

16.140.107

Sections 107, 108, and 109 of the 2003 International Mechanical Code are hereby deleted.

SECTION 124. Overland Park Municipal Code Section 16.150.100 is hereby amended to read as follows:

16.150.100 Fuel Gas Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2003 International Fuel Gas Code, dated January, 2003, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2003 International Fuel Gas

Code shall be marked Official Copy as Adopted by Ordinance No. BC-2459, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 125. Overland Park Municipal Code Section 16.150.101.3.1 is hereby amended to read as follows:

16.150.101.3.1

Section 101.3.1 of the 2003 International Fuel Gas Code is hereby added to read as follows:

101.3.1 Appendices adopted. The following appendices are adopted as part of the code:

1. Appendix A – Sizing and Capacities of Gas Piping.
2. Appendix B – Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use and Type B Vents.
3. Appendix C – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.
4. Appendix D – Recommended Procedure for Safety Inspection of an Existing Appliance Installation.

SECTION 126. Overland Park Municipal Code Section 16.150.103 is hereby amended to read as follows:

16.150.103

Section 103 of the 2003 International Fuel Gas Code is hereby deleted.

SECTION 127. Overland Park Municipal Code Section 16.150.106 is hereby amended to read as follows:

16.150.106

Sections 106.3 through 106.5.3 of the 2003 International Fuel Gas Code are hereby deleted.

SECTION 128. Overland Park Municipal Code Section 16.150.107 is hereby amended to read as follows:

16.150.107

Sections 107, 108, and 109 of the 2003 International Fuel Gas Code are hereby deleted.

SECTION 129. Overland Park Municipal Code Section 16.160.100 is hereby amended to read as follows:

16.160.100 Electrical Code -- Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City;

the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the NFPA 70 National Electrical Code, 2002 Edition, approved as an American National Standard on August 2, 2001, as published by National Fire Protection Association, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said NFPA 70 National Electrical Code, 2002 Edition, approved as an American National Standard on August 2, 2001, shall be marked Official Copy as Adopted by Ordinance No. BC-2459, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 130. Overland Park Municipal Code Section 16.160.180 is hereby added to read as follows:

16.160.180

Article 80 of the NFPA 70 National Electrical Code, 2002 Edition, is hereby deleted in its entirety.

SECTION 131. Overland Park Municipal Code Section 16.160.210.12 is hereby added to read as follows:

16.160.210.12

Article 210, Section 210.12 of the NFPA 70 National Electrical Code, 2002 Edition, is hereby amended to read as follows:

210.12 Arc-Fault Circuit-Interrupter Protection.

(A) Definition. An arc-fault circuit interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc fault is detected.

(B) Dwelling Unit Bedrooms. All branch circuits that supply 125-volt, single-phase, 15- and 20-ampere outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit interrupter listed to provide protection of the entire branch circuit.

Exception: Smoke detectors shall not be installed on branch circuits protected by an arc-fault circuit interrupter.

SECTION 132. Overland Park Municipal Code Section 16.160.310.14 is hereby amended to read as follows:

16.160.310.14

Article 310, Section 310.14 of the NFPA 70 National Electrical Code, 2002 Edition, is hereby amended to read as follows:

310.14 Aluminum conductor material. Solid aluminum conductors 8, 10, and 12 AWG shall be made of AA-8000 series electrical grade aluminum alloy conductor material. Stranded aluminum conductors 8 AWG through 1000 kcmil marked as Type RHH, RHW, XHHW, THW, THHW, THWN, THHN, service-entrance Type SE Style U and SE Style R shall be made of an AA-8000 series electrical grade aluminum alloy conductor material. Solid aluminum conductors 8, 10, and 12 AWG shall not be used as conductors for general wiring. The use of aluminum or copper clad conductors may be used only for service and feeder conductors.

SECTION 133. Overland Park Municipal Code Section 16.160.334.10 is hereby added to read as follows:

16.160.334.10

Article 334, Section 334.10 of the NFPA 70 National Electrical Code, 2002 Edition, is hereby amended to read as follows:

334.10 Uses permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following.

- (1) One-and two family dwellings.
- (2) Multifamily dwellings except as prohibited by 334.12.
- (3) Other structures except as prohibited in 334.12. Cables shall be concealed within walls, floors, or ceiling that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.

FPN No. 1: Building constructions are defined in NFPA 220-1999, Standard on Types of Building Construction, or the applicable building code, or both.

FPN No. 2: See Annex E for determination of building types [NFPA 220, Table 3-1].

- (4) Cable trays, where the cables are identified for the use.

FPN: See 310.10 for temperature limitation of conductors.

(A) Type NM. Type NM cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations except as prohibited in 334.10(3).
- (2) To be installed or fished in air voids in masonry block or tile walls.

(B) Type NMC. Type NMC cable shall be permitted as follows:

- (1) For both exposed and concealed work in dry, moist, damp, or corrosive locations, except as prohibited in 334.10(3).
- (2) In outside and inside walls of masonry block or tile.
- (3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16 in. thick and covered with plaster, adobe, or similar finish.

(C) **Type NMS.** Type NMS cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations except as prohibited in 334.10(3).
- (2) To be installed or fished in air voids in masonry block or tile walls.
- (3) To be used as permitted in Article 780.

SECTION 134. Overland Park Municipal Code Section 16.170.100 is hereby amended to read as follows:

16.170.100 Energy Conservation Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2003 International Energy Conservation Code, dated January 2003, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2003 International Energy Conservation Code shall be marked Official Copy as Adopted by Ordinance No. BC-2459, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 135. Overland Park Municipal Code Section 16.170.101.2 is hereby added to read as follows:

16.170.101.2

Section 101.2 of the 2003 International Energy Conservation Code is hereby amended to read as follows:

101.2 Scope. This code establishes minimum prescriptive and performance-related regulations for the design of energy-efficient buildings and structures or portions thereof that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage

and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy. This code thereby addresses the design of energy-efficient building envelopes and the selection and installation of energy-efficient mechanical, service water-heating, electrical distribution and illumination systems and equipment for the effective use of energy in these buildings and structures.

101.2.1 Exempt buildings. Buildings and structures indicated in Sections 101.2.1.1 and 101.2.1.2 shall be exempt from the building envelope provisions of this code, but shall comply with the provisions for building, mechanical, service water heating and lighting systems.

101.2.1.1 Separate buildings. Buildings and structures, or portions thereof separated by building envelope assemblies from the remainder of the building, that have a peak design rate of energy usage less than 3.4 Btu/h per square foot or 1.0 watt per square foot of floor area for space conditioning purposes.

101.2.1.2 Unconditioned buildings. Buildings and structures or portions thereof which are neither heated nor cooled.

101.2.2 Applicability. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

101.2.2.1 Existing installations. Except as otherwise provided for in this Chapter, a provision in this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, an existing building envelope, mechanical, service water-heating, electrical distribution or illumination system lawfully in existence at the time of the adoption of this code.

101.2.2.2 Additions, alterations or repairs. Additions, alterations, renovations or repairs to a building envelope, mechanical, service water-heating, electrical distribution or illumination system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portion(s) of the existing system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause any one of the aforementioned and existing systems to become unsafe, hazardous or overloaded.

101.2.2.3 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation, or movement of buildings or structures shall not be mandatory for existing buildings or structures specifically identified and classified as historically significant by the state or local jurisdiction, listed in The National Register of Historic Places or which have been determined to be eligible for such listing.

101.2.2.4 Change in occupancy. It shall be unlawful to make a change in the occupancy of any building or structure which would result in an increase in demand for either fossil fuel or electrical energy supply unless such building or structure is made to comply with the requirements of this code or otherwise approved by the authority having jurisdiction. The Building Official shall certify that such building or structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such occupancy does not result in any increase in demand for either fossil fuel or electrical energy supply or any hazard to the public health, safety, or welfare.

101.2.3 Mixed occupancy. When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. Where minor accessory uses do not occupy more than 10 percent of the area of any floor of a building, the major use shall be considered the building occupancy. Buildings, other than detached one- and two-family dwellings and townhouses, with a height of four or more stories above grade shall be considered commercial buildings for purposes of this code, regardless of the number of floors that are classified as residential occupancy.

SECTION 136. Overland Park Municipal Code Section 16.170.101.4 is hereby added to read as follows:

16.170.101.4

Section 101.4 of the 2003 International Energy Conservation Code is hereby amended to read as follows:

101.4 Compliance. Compliance with this code shall be determined in accordance with Sections 101.4.1 and 101.4.2.

101.4.1 Residential Buildings. For residential buildings the following shall be used as the basis for compliance assessment: a systems approach for the entire building (Chapter 4), an approach based on performance of individual components of the building envelope (Chapter 5), an approach based on performance of the total building envelope (Chapter 5), an approach based on acceptable practice for each envelope component (Chapter 5), an approach by prescriptive specification for individual components of the building envelope (Chapter 5), or an approach based on simplified, prescriptive specifications (Chapter 6).

101.4.2 Commercial buildings. For commercial buildings, a prescriptive or performance-based approach (Chapter 7) or as specified by accepted practice (Chapter 8) shall be used as the basis for compliance assessment.

SECTION 137. Overland Park Municipal Code Section 16.170.130 is hereby amended to read as follows:

16.170.130

Table 302.1 of the 2003 International Energy Conservation Code is hereby amended to read as follows:

**TABLE 302.1
EXTERIOR DESIGN CONDITIONS**

CONDITION	VALUE
Winter ^a , Design Dry-bulb (°F)	6 °F
Summer ^a , Design Dry-bulb (°F)	96 °F
Summer ^a , Design Wet-bulb (°F)	74 °F
Degree days heating ^b	5029
Degree days cooling ^b	1308
Climate zone ^c	11B

For SI: °C = [(°F)-32]/1.8.

- a. The outdoor design temperature shall be selected from the columns of 97 ½ percent values for winter and 2 ½ percent values for summer from tables in the ASHRAE *Fundamentals Handbook*. Adjustments shall be permitted to reflect local climates which differ from the tabulated temperatures, or local weather experience determined by the Building Official.
- b. The degree days heating (base 65°F) and cooling (base 65°F) shall be selected from NOAA “Annual Degree Days to Selected Bases Derived from the 1961-1990 Normals,” data available from adjacent military installations, or other source of local weather data acceptable to the Building Official.
- c. The climate zone shall be selected from the applicable map provided in Figures 902.1(1) through 902.1(51) in Chapter 9 of this code.

SECTION 138. Overland Park Municipal Code Section 16.170.601.2 is hereby added to read as follows:

16.170.601.2

Section 601.2 of the 2003 International Energy Conservation Code is hereby amended to read as follows:

601.2 Compliance. Compliance shall be demonstrated in accordance with Section 601.2.1 or 601.2.2

601.2.1 Residential buildings, detached one- and two-family dwellings. Compliance for detached one- and two-family dwellings shall be demonstrated by either:

- 1. Meeting the requirements of this chapter for buildings with a glazing area that does not exceed 15 percent of the gross area of exterior walls; or
- 2. Meeting the requirements of Chapter 4, or Chapter 5 for detached one and two-family dwellings; or
- 3. Meeting the requirements of the International Residential Code for one- and two-family dwellings as provided in Section N1101.

601.2.2 Residential buildings, Groups R-2, R-4 or townhouses. Compliance for Group R-2, R-4 or townhouses residential buildings shall be demonstrated by either:

1. Meeting the requirements of this chapter for buildings with a glazing area that does not exceed 25 percent of the gross area of exterior walls; or
2. Meeting the requirements of Chapter 4, or Chapter 5 for Group R-2, R-4 or townhouse residential buildings; or
3. Meeting the requirements of the International Residential Code for one- and two-family dwellings as provided in Section N1101.

SECTION 139. Overland Park Municipal Code Section 16.170.802.1 is hereby added to read as follows:

16.170.802.1

Section 802.1 of the 2003 International Energy Conservation Code is hereby amended to read as follows:

802.1 General. Walls, roof assemblies, floors, glazing and slabs on grade which are part of the building envelope for buildings where the window and glazed door area is not greater than 50 percent of the gross area of above-grade walls shall meet the requirements of Sections 802.2.1 through 802.2.9, as applicable. Buildings with more glazing shall meet the applicable provisions of ASHRAE/IESNA 90.1.

802.1.1 Classification of walls. Walls associated with the building envelope shall be classified in accordance with Section 802.1.1.1, 802.1.1.2 or 802.1.1.3.

802.1.1.1 Above-grade walls. Above-grade walls are those covered by Section 802.2.1 on the exterior of the building and completely above grade or walls that are more than 15 percent above grade.

802.1.1.2 Below-grade walls. Below-grade walls covered by Section 802.2.8 are basement or first-story walls associated with the exterior of the building that are at least 85 percent below grade.

802.1.1.3 Interior walls. Interior walls covered by Section 802.2.9 are those walls not on the exterior of the building and that separate conditioned and unconditioned space.

802.1.2 Moisture control. All framed walls, floors and ceilings not ventilated to allow moisture to escape shall be provided with an approved vapor retarder having a permeance rating of 1 perm (5.7×10^{-11} kg/Pa · s · m²) or less, when tested in accordance with the desiccant method using Procedure A of ASTM E 96. The vapor retarder shall be installed on the warm-in-winter side of the insulation.

Exceptions:

1. Buildings located in Climate Zones 1 through 7 as indicated in Table 302.1.

2. In construction where moisture or its freezing will not damage the materials.
3. Where other approved means to avoid condensation in unventilated framed wall, floor, roof and ceiling cavities are provided.

SECTION 140. Overland Park Municipal Code Section 16.170.802.2 is hereby added to read as follows:

16.170.802.2

Sections 802.2 through 802.2.9 of the 2003 International Energy Conservation Code are hereby amended to read as follows:

802.2 Criteria. The building envelope components shall meet each of the applicable requirements in Tables 802.2(1), 802.2(2), 802.2(3) and 802.2(4) based on the percentage of wall that is glazed or Table 802.2(A). The percentage of wall that is glazed shall be determined by dividing the aggregate area of rough openings for glazing (windows and glazed doors) in all above-grade walls associated with the building envelope by the total gross area of all above-grade exterior walls that are a part of the building envelope. In buildings with multiple types of building envelope construction, each building envelope construction type shall be evaluated separately. Where Table 802.2(1), 802.2(2), 802.2(3) or 802.2(4) does not list a particular construction type, the applicable provisions of ASHRAE/IESNA 90.1 shall be used in lieu of Section 802.

802.2.1 Above-grade walls. The minimum thermal resistance (R-value) of the insulating material(s) installed in the wall cavity between the framing members and continuously on the walls shall be as specified in Table 802.2(1), 802.2(2), 802.2(3), or 802.2(4), based on framing type and construction materials used in the wall assembly or Table 802.2(A). Where both cavity and continuous insulation values are provided in Table 802.2(1), 802.2(2), 802.2(3), or 802.2(4), both requirements shall be met. Concrete masonry units (CMU) at least 8 inches (203mm) nominal in thickness with essentially equal amounts of mass on either side of the insulation layer are considered as having integral insulation; however, the thermal resistance of that insulation shall not be considered when determining compliance with Table 802.2(1), 802.2(2), 802.2(3), or 802.2(4). The R-value of integral insulation installed in concrete masonry units (CMU) shall not be used in determining compliance with Table 802.2(A). “Mass walls” shall include walls weighing at least 35 pounds per square foot of wall surface area and do not include CMU’s less than 8 inches nominal in thickness.

802.2.2 Nonglazed doors. Nonglazed doors shall meet the applicable requirements for windows and glazed doors and be considered as part of the gross area of above-grade walls that are part of the building envelope.

802.2.3 Windows and glass doors. The maximum solar heat gain coefficient (SHGC) and thermal transmittance (U-Factor) of window assemblies and glass doors located in

the building envelope shall be as specified in Table 802.2(1), 802.2(2), 802.2(3) or 802.2(4), based on the window projection factor or Table 802.2(A).

The window projection factor shall be determined in accordance with equation 8-1.

$$PF = A/B \quad \text{(Equation 8-1)}$$

where:

PF = Projection factor (decimal)

A = Distance measured horizontally from the furthest continuous extremity of an overhang, eave, or permanently attached shading device to the vertical surface of the glazing.

B = Distance measured vertically from the bottom of the glazing to the underside of the overhang, eave, or permanently attached shading device.

Where different windows or glass doors have different PF values, they shall each be evaluated separately, or an area-weighted PF value shall be calculated and used for all windows and glass doors.

802.2.4 Roof assembly. The maximum thermal resistance (R-value) of the insulating material installed either between the roof framing or continuously on the roof assembly shall be as specified in Table 802.2(1), 802.2(2), 802.2(3) or 802.2(4), based on construction materials used in the roof assembly or Table 802.2(A).

802.2.5 Skylights. Skylights located in the building envelope shall be limited to 3 percent of the gross roof assembly area and shall have a maximum thermal transmittance (U-factor) of the skylight assembly as specified in Table 802.2(1), 802.2(2), 802.2(3) or 802.2(4) or Table 802.2(A).

802.2.6 Floors over outdoor air or unconditioned space. The minimum thermal resistance (R-value) of the insulating material installed either between the floor framing or continuously on the floor assembly shall be as specified in Table 802.2(1), 802.2(2), 802.2(3) or 802.2(4) based on construction materials used in the floor assembly or Table 802.2(A).

802.2.7 Slabs on grade. The minimum thermal resistance (R-value) of the insulation around the perimeter of the slab floor shall be as specified in Table 802.2(1), 802.2(2), 802.2(3) or 802.2(4) or Table 802.2(A). The insulation shall be placed on the outside of the foundation or on the inside of a foundation wall. The insulation shall extend downward from the top of the slab for a minimum of 48 inches or downward to at least the bottom of the slab and then horizontally to the interior or exterior for a minimum total distance of 48 inches.

802.2.8 Below-grade walls. The minimum thermal resistance (R-value) of the insulating material installed in, or continuously on, the below-grade walls shall be as specified in Table 802.2(1), 802.2(2), 802.2(3) or 802.2(4) or Table 802.2(A) and shall extend to a depth of 10 feet below the outside finish ground level, or to the level of the floor, whichever is less.

802.2.9 Interior walls. The minimum thermal resistance (R-value) of the insulating material installed in the wall cavity or continuously on the interior walls shall be as specified in Table 802.2(1) for above-grade walls, regardless of glazing area, based on framing type and construction materials used in the wall assembly.

SECTION 141. Overland Park Municipal Code Section 16.170.830 is hereby added to read as follows:

16.170.830

Table 802.2(A) of the 2003 International Energy Conservation Code is hereby added to read as follows:

Table 802.2(A) Commercial Envelope Requirements

Windows (maximum 40% of the wall area)			Skylights (maximum 5% of the roof area)		
	Factory Assembled	Site Built		Glass	Plastic
U-factor	0.4	0.5	U-factor	0.6	1.3
SHGC	0.4	Varies with PF	SHGC	0.4	0.62
SHGC: PF < 0.25	0.4	0.4			
SHGC: 0.25 < PF < 0.5	0.4	NR			
SHGC: PF ≥ 0.5	0.4	NR			
Roof		Walls, above grade		Walls, below grade	
Insulation entirely above deck	R-15 ci	Mass	R-5.7 ci ^c	Below grade wall ^d	R = NR
Metal Buildings (w/R-5 thermal blocks ^a) ^b	R-19	Metal framed	R-13		
Attic and other	R-30	Metal Building	R-13		
		Wood framed and other	R-13		
Floors		Floors, Slab-on-grade		Opaque Doors	
Mass	R-10 ci	Unheated slabs	R = NR	Swinging	U – 0.7
Joist/framing	R-19	Heated slabs	R-7.5 for 24 inches below	Roll-up or Sliding	U – 1.45

ci – continuous insulation

NR – no requirement

a Thermal blocks are minimum R-5 rigid insulation, which extends 1” beyond the width of the purlin on each side, perpendicular to the purlin.

b Assembly descriptions can be found in Table 802.2.1(3)

c R-5.7 ci may be substituted with ASTM C90 concrete block walls, ungrouted or partially grouted at 32 in. or less on center vertically and 48 in or less on center horizontally, with ungrouted cores foiled with material having a maximum thermal conductivity of 0.44 Btu/h-ft²-F.

d When heated slabs are placed below grade, below grade walls must meet the exterior insulation requirements according to the heated slab-on-grade construction.

SECTION 142. Overland Park Municipal Code Section 16.180.100 is hereby amended to read as follows:

16.180.100 Private Sewage Disposal Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of

inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2003 International Private Sewage Disposal Code, dated January, 2003, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2003 International Private Sewage Disposal Code shall be marked Official Copy as Adopted by Ordinance No. BC-2459, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 143. Overland Park Municipal Code Section 16.180.101.2 is hereby amended to read as follows:

16.180.101.2

Section 101.2 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

101.2 Scope. Septic tank and effluent absorption systems or other treatment tank and effluent disposal systems shall be permitted where an exception has been granted by the Governing Body or where both the following conditions are met:

1. Public sewers are not available as defined in the 2003 International Plumbing Code; and
2. The building being served is a single-family dwelling located either on a lot of at least five (5) acres in area unless a preliminary plat has been approved prior to September 13, 1976, or on a lot zoned RE, Residential Estates, of at least one (1) acre in area.

Exception: The Governing Body, upon good cause being shown and after public hearing, may grant exceptions from the provisions of Items 1 and 2 above if two-thirds (2/3) or more of the votes cast by Councilmembers are affirmative votes in favor of the exception. The applicant shall serve notice of public hearing. A copy of the plat map with the 200-foot (200') radius shown must be submitted. Any information or plans concerning improvements on this property must also be submitted. This information must be filed with the Building Official at least ten (10) days prior to the hearing.

Notification shall be by certified mail, return receipt requested, to all owners of record within the 200-foot (200') radius of subject property stating the date, time and place of the hearing and the nature of the variance or appeal requested. This shall be done no later than ten (10) days prior to the hearing. A copy of the application shall accompany the notice.

Return receipts, a copy of the notice to the owners, and a list of all owners of record of property within or touched by the 200-foot (200') radius shall be filed

with the Building Official at least five (5) days prior to the hearing, at which time, an Affidavit of Mailing stating that the certified notices were mailed by the required date shall be signed by the applicant and notarized.

Unless specifically approved, the private sewage disposal system of each building shall be entirely separate from and independent of any other building. The use of a common system or a system on a parcel other than the parcel where the structure is located shall be subject to the full requirements of this code as for systems serving public buildings.

Except where specific reference is made in this code to an appendix, the provisions in the appendices shall not apply unless specifically adopted.

SECTION 144. Overland Park Municipal Code Section 16.180.101.3 is hereby amended to read as follows:

16.180.101.3

Section 101.3 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

101.3 Public sewer connection. Where public sewers become available to the premises served, the use of the private sewage disposal system shall be discontinued within that period of time required by the Building Official. The building sewer shall be disconnected from the private sewage disposal system and connected to the public sewer. Sewers shall be deemed available in accordance with the 2003 International Plumbing Code. A public sewer system shall be considered available when the lot or tract is located within 400 feet of the public sewer and public sewer is considered available for connection by the Johnson County Wastewater District.

SECTION 145. Overland Park Municipal Code Section 16.180.102.2 is hereby amended to read as follows:

16.180.102.2

Section 102.2 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

102.2 Existing installations. Private sewage disposal systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use or maintenance is in accordance with the original design and no hazard to life, health or property is created by such system.

SECTION 146. Overland Park Municipal Code Section 16.180.103 is hereby amended to read as follows:

16.180.103

Sections 103 through 104 of the 2003 International Private Sewage Disposal Code are hereby deleted.

SECTION 147. Overland Park Municipal Code Section 16.180.106.3 is hereby amended to read as follows:

16.180.106.3

Sections 106.3 through 106.4.3 of the 2003 International Private Sewage Disposal Code are hereby deleted.

SECTION 148. Overland Park Municipal Code Section 16.180.107 is hereby amended to read as follows:

16.180.107

Sections 107, 108 and 109 of the 2003 International Private Sewage Disposal Code are hereby deleted.

SECTION 149. Overland Park Municipal Code Section 16.180.302.2 is hereby amended to read as follows:

16.180.302.2

Section 302.2 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

302.2 Cesspools and privies. Privies and cesspools shall be prohibited. Any existing cesspool or privy shall be considered a nuisance and abated.

SECTION 150. Overland Park Municipal Code Section 16.180.403.1.6 is hereby amended to read as follows:

16.180.403.1.6

Section 403.1.6 of the 2003 International Private Sewage Disposal Code is hereby added to read as follows:

403.1.6 Soil data. A soil test report shall be submitted, indicating soil boring and percolation test data related to the undisturbed and finished grade elevations, vertical elevation reference point, and horizontal reference point. Surface elevations shall be given for all soil borings. All soil reports shall bear the signature of a soil tester and shall reference the soil in accordance with the Munsell Color System at each horizon level.

The City is to be notified at least 24 hours prior to the conduction of any soil testing to allow monitoring of these tests by the City at its discretion.

SECTION 151. Overland Park Municipal Code Section 16.180.403.5 is hereby added to read as follows:

16.180.403.5

Section 403.5 of the 2003 International Private Sewage Disposal Code is hereby added to read as follows:

403.5 Protection of excavated areas. All borings, trenches, and other excavations shall be protected by fences or other means to prevent injury by parties entering the property.

SECTION 152. Overland Park Municipal Code Section 16.180.404 is hereby amended to read as follows:

16.180.404

Section 404 of the 2003 International Private Sewage Disposal Code is hereby deleted.

SECTION 153. Overland Park Municipal Code Section 16.180.405.2.5 is hereby amended to read as follows:

16.180.405.2.5

Section 405.2.5 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

405.2.5 Observations. The first observation shall be made on or before March 1. Observations shall be made thereafter every seven (7) days or less until November 30 or until the site is determined to be unacceptable, whichever occurs first. Where water is observed above the critical depth at any time, an observation shall be made one (1) week later. Where water is present above the critical depth at both observations, monitoring shall cease and the site shall be considered unacceptable. Where water is not present above the critical depth at the second observation, monitoring shall continue until November 30. Where any two observations seven (7) days apart show the presence of water above the critical depth, the site shall be considered unacceptable and the Building Official shall be notified in writing. When rainfall of 0.5 inch (1/2”) or more occurs in a 24-hour period during monitoring, observations shall be made at more frequent intervals, where necessary.

SECTION 154. Overland Park Municipal Code Section 16.180.405.2.6 is hereby amended to read as follows:

16.180.405.2.6

Section 405.2.6 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

405.2.6 Reporting data. Where monitoring shows saturated conditions, the following data shall be submitted in writing: test locations; ground elevations at the wells; soil profile descriptions; soil series, if available from soil maps; dates observed; depths to observed water; and local precipitation data, monthly from at least one year prior to monitoring and daily during monitoring.

Where monitoring discloses that the site is acceptable, the following data shall be submitted in writing: location and depth of test holes; ground elevations at the wells and soil profile descriptions; soil series if available from soil maps; dates observed; results of observations; information on artificial drainage; and local precipitation data, monthly from at least one year prior to monitoring and daily during monitoring. A request to install a soil absorption system shall be made in accordance with Section 106.

SECTION 155. Overland Park Municipal Code Section 16.180.406.1 is hereby amended to read as follows:

16.180.406.1

Table 406.1 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

**TABLE 406.1
MINIMUM HORIZONTAL SEPARATION DISTANCES
FOR SOIL ABSORPTION SYSTEMS**

ELEMENT	DISTANCE (feet)
Cistern	50
Habitable building, below-grade foundation	25
Habitable building, slab-on-grade	15
Lake, high-water mark	50
Lot line	10
Reservoir	50
Roadway ditches	10
Spring	100
Streams or watercourse	50
Swimming pool	15
Uninhabited building	10
Water main	50
Water service	10
Water well	50

For SI: 1 foot = 304.8 mm.

SECTION 156. Overland Park Municipal Code Section 16.180.505.11 is hereby amended to read as follows:

16.180.505.11

Section 505.11 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

505.11 Vitrified clay pipe. The use of vitrified clay pipe is prohibited.

SECTION 157. Overland Park Municipal Code Section 16.180.603.1 is hereby amended to read as follows:

16.180.603.1

Section 603.1 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

603.1 General. The bottom area for seepage trenches or beds or the sidewall area for seepage pits required for a soil absorption system serving residential property shall be determined from Table 603.1 using soil percolation test data and type of construction.

Exception: The only percolation class permitted in the City of Overland Park is Class 4.

SECTION 158. Overland Park Municipal Code Section 16.180.605.1 is hereby amended to read as follows:

16.180.605.1

Section 605.1 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

605.1 Seepage trench excavations. Seepage trench excavations shall be 1 foot to 3 feet wide. Trench excavations shall be spaced a minimum of 6 feet apart. The absorption area of a seepage trench shall be computed by using only the bottom of the trench area. Distribution piping in a seepage bed shall be uniformly spaced a maximum of 5 feet and a minimum of 3 feet apart, and a maximum of 3 feet and a minimum of 1 foot from the sidewall or headwall. The bottom excavation area of the distribution header shall not be computed as absorption area. Individual seepage trenches shall be a maximum of 100 feet long, unless otherwise approved.

SECTION 159. Overland Park Municipal Code Section 16.180.605.3 is hereby amended to read as follows:

16.180.605.3

Section 605.3 of the 2003 International Private Sewage Disposal Code is hereby deleted.

SECTION 160. Overland Park Municipal Code Section 16.180.605.5 is hereby amended to read as follows:

16.180.605.5

Section 605.5 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

605.5 Aggregate and backfill. A minimum of 6 inches of aggregate ranging in size from ½ to 2 ½ inches shall be laid into the trench or bed below the distribution pipe elevation. The aggregate shall be evenly distributed a minimum 2 inches over the top of the distribution pipe. The aggregate shall be covered with approved synthetic materials or 9 inches of uncompacted

marsh hay or straw. Building paper shall not be used to cover the aggregate. A minimum of 18 inches of soil backfill shall be provided above the covering.

Exception:

1. **Shallow-in-ground System:** On sites where conventional in-ground systems are unsuitable due to conditions such as high water table, shallow bedrock or slowly permeable soil layer, it may be possible to install a shallow-in-ground system. Essentially shallow-in-ground systems are identical to conventional systems in terms of design and construction with the following modifications:
 - a. The trench excavation can be as shallow as six inches (6"). The actual excavation will be dependent upon the depth to the limiting factor. There must be two-to-four foot (2'-4') separation between the bottom of the trench and the limiting factor.
 - b. The backfill material must be of the same textural class as the excavated soil. This material must be inspected and accepted by the local authority. A minimum of 10-12 inches (10"-12") of backfill cover needs to be provided, and it should extend at least 20 feet (20') beyond the perimeter of the absorption field.
 - c. It is recommended that the site be prepared by cutting grass as short as possible or even chisel plowing the area as is done prior to installation of a mound.
2. **Gravel less/Chambered System:** This system may be considered in a situation where there is a residential property with a failed septic system under the following conditions:
 - a. There is not enough property available to accommodate a full sized gravel trench system in square feet.
 - b. Upon doing soil profile excavation pits, the soils are found to be permeable to 60" in depth with no limiting areas.
 - c. The required square footage of trench will be determined by calculating the square footage of trench required for a convention absorption system, which is 330 sq ft per bedroom (Section 603) and then allowing only 70% of that total square foot requirement for a chambered system.
 - d. All other aspects of the system will be installed according to the 2003 International Private Sewage Disposal Code

SECTION 161. Overland Park Municipal Code Section 16.180.605.10 is hereby amended to read as follows:

16.180.605.10

Section 605.10 of the 2003 International Private Sewage Disposal Code is hereby added to read as follows:

605.10 New construction. Where a private sewage system is installed where new home construction is not completed, distribution piping shall be protected with barriers to prevent construction traffic from crossing over the lateral field, trunk lines, and manifold piping.

SECTION 162. Overland Park Municipal Code Section 16.180.702.2.1 is hereby amended to read as follows:

16.180.702.2.1

Section 702.2.1 of the 2003 International Private Sewage Disposal Code is hereby added to read as follows:

702.2.1 Percolation rate. The only percolation rate permitted in the City of Overland Park for Table 702.2 is 45 to 60.

SECTION 163. Overland Park Municipal Code Section 16.180.802.2 is hereby amended to read as follows:

16.180.802.2

Section 802.2 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

802.2 Design of septic tanks. Septic tanks shall have a minimum of two (2) compartments. The inlet compartment shall not be less than two-thirds ($2/3$) of the total capacity of the tank, not less than a 670-gallon liquid capacity and not less than 3 feet wide and 5 feet long. The secondary compartment of a septic tank shall have a minimum capacity of 330 gallons and not more than one-third ($1/3$) of the total capacity. The secondary compartment of septic tanks having a capacity greater than 1,500 gallons shall not be less than 5 feet long.

The liquid depth shall be a minimum of 30 inches and a maximum average of 6 feet. The total depth shall be not less than 8 inches greater than the liquid depth.

Rectangular tanks shall be constructed with the longest dimensions parallel to the direction of the flow.

Cylindrical tanks shall have a minimum inside diameter of 48 inches.

SECTION 164. Overland Park Municipal Code Section 16.180.802.7.1 is hereby amended to read as follows:

16.180.802.7.1

Section 802.7.1 and Table 802.7.1 of the 2003 International Private Sewage Disposal Code are hereby amended to read as follows:

802.7.1 Sizing of septic tank. The minimum liquid capacity for one- and two-family dwellings shall be in accordance with Table 802.7.1.

**TABLE 802.7.1
SEPTIC TANK CAPACITY FOR
ONE- AND TWO-FAMILY DWELLINGS**

NUMBER OF BEDROOMS	SEPTIC TANK (gallons)
1	1,000
2	1,200
3	1,200
4	1,425
5	1,425
6	1,875
7	1,875
8	2,100

For SI: 1 gallon = 3.785 L.

SECTION 165. Overland Park Municipal Code Section 16.180.805.1 is hereby amended to read as follows:

16.180.805.1

Section 805.1 of the 2003 International Private Sewage Disposal Code is hereby amended to read as follows:

805.1 Approval. The installation of a holding tank shall not be approved where the site can accommodate the installation of any other private sewage disposal system specified in this code. A pumping and maintenance schedule for each holding tank installation shall be submitted to the Building Official.

Exception: Temporary sewage disposal facilities are permitted for systems meeting all of the following:

1. The system is installed for a period of time not to exceed two (2) years. Sufficient documentation, acceptable to the Building Official, shall be submitted to substantiate the temporary nature of the facility to ensure the facility will be removed or connected to the public sewer system within two (2) years.
2. The design and construction of the system conforms to the Holding Tank requirements of the 2003 International Private Sewage Disposal Code.
3. Public sewers are not available as defined in the 2003 International Plumbing Code.
4. The use of the building shall not utilize commercial cooking operations or any material that would be detrimental to the system.

SECTION 166. Overland Park Municipal Code Section 16.180.903.6.4 is hereby amended to read as follows:

16.180.903.6.4

Section 903.6.4 of the 2003 International Private Sewage Disposal Code is hereby added to read as follows:

903.6.4 Percolation rate. The only percolation rate permitted in the City of Overland Park for Table 903.6 is greater than 60 to 120.

SECTION 167. Overland Park Municipal Code Section 16.180.1202.7 is hereby amended to read as follows:

16.180.1202.7

Section 1202.7 of the 2003 International Private Sewage Disposal Code is hereby added to read as follows:

1202.7 Certification. Prior to occupancy, a certified engineer registered in the State of Kansas, which designed the sewage system, is required to certify the installation of the complete sewage system.

SECTION 168. Overland Park Municipal Code Section 16.190.100 is hereby amended to read as follows:

16.190.100 Property Maintenance Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2003 International Property Maintenance Code, dated December, 2002, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2003 International Property Maintenance Code shall be marked Official Copy as Adopted by Ordinance No. BC-2459, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

SECTION 169. Overland Park Municipal Code Section 16.190.101.1 is hereby amended to read as follows:

16.190.101.1

Section 101.1 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of Overland Park, Kansas, hereinafter referred to as "this code."

SECTION 170 Overland Park Municipal Code Section 16.190.101.5 is hereby amended to read as follows:

16.190.101.5

Section 101.5 of the 2003 International Property Maintenance Code is hereby added to read as follows:

101.5 General. The Building Official, or, where appropriate, the Governing Body, is authorized, subject to any adopted policies or administrative rules or regulations, to take the following actions to bring the subject property into compliance with this code or other ordinances of the City. Those actions include, without being limited to, abatement of the violation; vacation of the premises until the violation is corrected; prohibition of occupancy of the premises until the violation is corrected; issuance of a Notice to Appear in Municipal Court; injunctive or other relief in the District Court of Johnson County; suspension or revocation of any City licenses pertaining to the premises that remain in violation, and any other necessary or appropriate actions authorized by any applicable law, ordinance, statute, rule or regulation. If no public necessity is found for the immediate demolition of the structure or premises, the Building Official or Governing Body may take such other action, including, without limitation, causing the property to be cleaned, cleared, vacated, secured or otherwise repaired or any other action deemed necessary to promote the public health, safety or general welfare. The provisions of Section 7.26.230 shall be made applicable to this Section and pursuant to those provisions and any other applicable laws, statutes, ordinances, rules or regulations, the property owner may be charged for the costs incurred by the City in taking any actions to abate or correct such unlawful conditions, including administrative fees, and a lien may be placed on the property for any such unpaid costs and fees. The City Manager shall designate the department, division, employee or agency of the City to enforce this code, and such designee shall, for the purposes of this code, be known as the "Building Official" or "Code Administrator." In this code the term "Department of Property Maintenance Inspection" shall be used synonymously with the term "Building Official" or "Code Administrator."

SECTION 171. Overland Park Municipal Code Section 16.190.102.3 is hereby amended to read as follows:

16.190.102.3

Section 102.3 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the 2003 International Building Code. Nothing in this code shall be construed to cancel, modify or set aside any provisions of Title 18 of the Overland Park Municipal Code also known as the "Unified Development Ordinance."

SECTION 172. Overland Park Municipal Code Section 16.190.102.7 is hereby added to read as follows:

16.190.102.7

Section 102.7 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.1 Electrical Code. The ICC Electrical Code referenced in Chapter 45 has been deleted and replaced with NFPA-70 (National Electrical Code). Wherever the term ICC Electrical Code has been used in this code it shall be used synonymously with the term "NFPA-70" listed in Chapter 45.

102.7.2 International Building Code. The International Existing Building Code referenced in Chapter 45 has been deleted. Wherever the term International Existing Building Code has been used in this code it shall be used synonymously with the term "International Building Code" listed in Chapter 45.

SECTION 173. Overland Park Municipal Code Section 16.190.103 is hereby amended to read as follows:

16.190.103

Sections 103, 104, 105, and 106 of the 2003 International Property Maintenance Code are hereby deleted.

SECTION 174. Overland Park Municipal Code Section 16.190.107.4 is hereby amended to read as follows:

16.190.107.4

Section 107.4 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 113.4 of the 2003 International Building Code.

SECTION 175. Overland Park Municipal Code Section 16.190.108.1.4 is hereby amended to read as follows:

16.190.108.1.4

Section 108.1.4 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, or occupied or is being maintained in violation of the Municipal Code or any other applicable laws, statutes, rules or regulations.

SECTION 176. Overland Park Municipal Code Section 16.190.108.6 is hereby added to read as follows:

16.190.108.6

Sections 108.6 through 108.6.11 of the 2003 International Property Maintenance Code are hereby added to read as follows:

108.6 Fire, explosion, or windstorm. Damage created by fire, explosion, or windstorm shall comply with the provisions of Sections 108.6.1 through 108.6.11.

108.6.1 Scope and application. The City of Overland Park, Kansas, is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or structure located within the City, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or structure under all policies covering such building or structure is in excess of 75 percent (75%) of the face value of the policy covering such building or structure, unless there is compliance with the procedures set out in this ordinance.

108.6.2 Lien created. The Governing Body of the City hereby creates a lien in favor of the City on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City, caused by or arising out of any fire, explosion or windstorm, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent (75%) of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

108.6.3 Same, encumbrances. Prior to final settlement on any claim covered by Section 108.6.2, the insurer or insurers shall contact the County Treasurer, Johnson County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to the owing under the encumbrances a draft payable to the County Treasurer, Johnson County, Kansas.

108.6.4 Same; pro rata basis. Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

108.6.5 Procedure:

1. When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent (75%) of the face value of the policy covering the building or other structure, and when all amounts due the holder of a first mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount equal to the sum of 15 percent (15%) of the covered claim payment unless the Building Official of the City has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.
2. Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
3. Upon the transfer of funds as required by Section 108.6.1 of this section, the insurance company shall provide the City with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Building Official shall contact the named insured or insureds by registered mail, informing them that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under this ordinance.

108.6.6 Fund created; deposit of moneys. The City Treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the City Treasurer as provided for by this ordinance, shall be placed in said fund and deposited in an interest-bearing account.

108.6.7 Building Inspector; investigation, removal of structure.

1. Upon receipt of moneys provided for by this ordinance, the City Treasurer shall immediately notify the Building Official of said receipt, and transmit all documentation received from the insurance company or companies to the Building Official.
2. Within 20 days of the receipt of said moneys, the Building Official shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.
3. Prior to the expiration of the 20 days established by Section 108.6.7(2) of this Section, the Building Official shall notify the City Treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

4. If the Building Official has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than 30 days after receipt of the moneys by the City Treasurer.
5. Upon notification to the City Treasurer by the Building Official that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall return all such moneys received, plus accrued interest, to the insured or insured as identified in the communication from the insurance company or companies. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies.

108.6.8 Removal of structure excess moneys. If the Building Official has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

108.6.9 Same; disposition of funds. If the Building Official, with regard to a building or other structure damaged by fire, explosion, or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under the authority of Section 108.6.5(1) relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the Building Official shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under Section 108.6.5(1), the Building Official shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

108.6.10 Effect upon insurance policies. This ordinance shall not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

108.6.11 Insurers; liability. Insurers complying with this ordinance or attempting in good faith to comply with this ordinance shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this ordinance, or releasing or disclosing any information pursuant to this ordinance.

SECTION 177. Overland Park Municipal Code Section 16.190.110.1.1 is hereby amended to read as follows:

16.190.110.1.1

Section 110.1.1 of the 2003 International Property Maintenance Code is hereby added to read as follows:

110.1.1 Enforcement against unsafe structure. The following procedures shall be used to process actions regarding unsafe structures:

1. The Building Official shall cause a written report to be filed with the Governing Body of the City describing the situation, its location, and the circumstances that support the determination that the structure is unsafe; and,
2. The Governing Body shall fix a time and place at which the owner, representative, tenant, or lien holders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished; and,
 - 2.1 A resolution, including the findings of the Governing Body and the time and place for the hearing, shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within three days after its first publication to each such owner, representative, tenant or lien holder of record, as can reasonably be determined, at the last known address and shall be marked, "deliver to addressee only."
3. On the hearing date fixed by the Governing Body's resolution all relevant parties, interest holders, and relevant City officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution; and,
4. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure; and,
 - 4.1 Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants, or lien holders of record by certified mail, return receipt requested.
 - 4.2 The resolution shall fix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.
5. If the Building Official determines that a violation of this Act exists, he or she may issue a Notice to Appear in Municipal Court for such violation. No other procedures are required as a prerequisite to the issuance of a Notice to Appear.

SECTION 178. Overland Park Municipal Code Section 16.190.111 is hereby amended to read as follows:

16.190.111

Section 111 of the 2003 International Property Maintenance Code is hereby deleted.

SECTION 179. Overland Park Municipal Code Section 16.190.112 is hereby amended to read as follows:

16.190.112

Section 112 of the 2003 International Property Maintenance Code is hereby added to read as follows:

112 Appeals. Any person directly affected by a decision of the Building Official or a notice or order issued under this code directly pertaining to the interpretation or application of technical provisions of this code or the City's adopted building codes shall have the right to appeal to the Code Board of Appeals, pursuant to the applicable provisions of the Overland Park Municipal Code pertaining to that board. Any person directly affected by any decision of the Building Official or a notice or order issued under this code not under the jurisdiction of the Code Board of Appeals shall have only such rights of appeal as are specified in any applicable laws, statutes, ordinances, rules or regulations.

SECTION 180. Overland Park Municipal Code Section 16.190.304.2 is hereby added to read as follows:

16.190.304.2

Section 304.2 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Peeling, flaking and chipped paint areas in excess of 20 percent (20%) of any individual surface area shall be eliminated and such surfaces repainted. The area of peeling, flaking or chipped paint shall be calculated by drawing one rectangle around all occurrences of the peeling, flaking and chipped paint on any individual surface and calculating the area of that rectangle. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

SECTION 181. Overland Park Municipal Code Section 16.190.304.3.1 is hereby added to read as follows:

16.190.304.3.1

Section 304.3.1 of the 2003 International Property Maintenance Code is hereby added to read as follows:

304.3.1 Secondary entry numbers. Multi-tenant shopping centers in which tenant spaces have secondary entry doors from an exterior facade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of 4 inches in height.

Exception 1: If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead cargo doors and normal passage doors).

Exception 2: The Building Official may grant further exceptions after consultation with the Crime Prevention Unit of the Overland Park Police Department if it can be shown that marking the doors would create a security risk.

SECTION 182. Overland Park Municipal Code Section 16.190.304.7 is hereby added to read as follows:

16.190.304.7

Section 304.7 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water and water from intermittent sources such as discharges from sump pumps, foundation drains, or other similar sources, excluding lawn sprinklers, shall not be discharged at a point closer than five feet to any adjoining property line nor in a manner that creates a public nuisance.

SECTION 183. Overland Park Municipal Code Section 16.190.304.14 is hereby added to read as follows:

16.190.304.14

Section 304.14 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

SECTION 184. Overland Park Municipal Code Section 16.190.602.3 is hereby amended to read as follows:

16.190.602.3

Section 602.3 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 15 to maintain a temperature of not less than 68° F (18° C) in all habitable rooms, bathrooms, and toilet rooms.

Exception:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the 2003 International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

SECTION 185. Overland Park Municipal Code Section 16.190.602.4 is hereby amended to read as follows:

16.190.602.4

Section 602.4 of the 2003 International Property Maintenance Code is hereby amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

SECTION 186. Overland Park Municipal Code Section 16.190.800 is hereby amended to read as follows:

16.190.800

Chapter 8 of the 2003 International Property Maintenance Code is hereby amended as follows:

REFERENCED STANDARDS. The referenced standards shall be amended as follows:

Delete:

ICC EC – 2003 ICC Electrical Code.
IZC – 2003 International Zoning Code.
IEBC-2003 International Existing Building Code

Add:

NFPA 70 National Electrical Code, 2002 Edition

SECTION 187. Existing Overland Park Municipal Code Sections 16.100.100, 16.100.101.1, 16.100.101.4.1, 16.100.103.1, 16.100.103.2, 16.100.105.1.3, 16.100.105.2, 16.100.105.3,

16.100.105.3.4, 16.100.105.3.5, 16.100.105.3.6, 16.100.105.3.7, 16.100.105.3.8, 16.100.105.3.9, 16.100.105.5, 16.100.108.2, 16.100.110.4, 16.100.112.1.1, 16.100.112.1.2, 16.100.112.1.3, 16.100.112.2.1, 16.100.112.3.1, 16.100.113.3, 16.100.113.4, 16.100.113.5, 16.100.903.3.7, 16.100.903.4.3.1, 16.100.907.1.4, 16.100.1003.3.1.8, 16.100.1005.3.2.4, 16.100.1106.7, 16.100.3103.1.1, 16.110.100, 16.110.102.5.1, 16.110.103, 16.110.120, 16.110.301, 16.110.301.8, 16.110.306.5, 16.110.309.6, 16.110.310.1, 16.110.315.1, 16.110.325.1, 16.110.325.2, 16.110.328, 16.110.401.4.2, 16.110.403.1.1.1, 16.110.403.1.1.2, 16.110.403.1.6.2, 16.110.404.1.3, 16.110.506.2.4, 16.110.801.3, 16.110.901.2, 16.110.901.3, 16.110.1102.1.5.1, 16.110.3103.1, 16.120.100, 16.120.101.2.1.1, 16.120.101.6, 16.120.102.6.1, 16.120.103, 16.120.105.1, 16.120.105.1.1, 16.120.105.6.15, 16.120.105.6.21, 16.120.105.6.31, 16.120.108, 16.120.109.3, 16.120.111.4, 16.120.307.2, 16.120.307.2.2, 16.120.307.3, 16.120.307.3.3, 16.120.307.5, 16.120.307.5.1, 16.120.310.2, 16.120.407.2.1, 16.120.503.3.1, 16.120.505.1.1, 16.120.505.1, 16.120.506.2, 16.120.508.1.1, 16.120.508.4.1, 16.120.508.5.1, 16.120.508.5.2.1, 16.120.508.5.2.2, 16.120.510.1.1, 16.120.804.1, 16.120.901.4.5, 16.120.903.3.7, 16.120.903.4.1, 16.120.906.1, 16.120.913.4, 16.120.1003.2.2.11, 16.120.1005.3.2.4, 16.120.2401.2, 16.120.2703.5, 16.120.3301.1.3, 16.120.3304.1, 16.120.3305, 16.120.3403.6.3.2, 16.120.3404.2.11.5.2, 16.120.3404.2.12.3, 16.120.3404.2.13.1.3, 16.120.3404.2.13.1.4, 16.130.100, 16.130.101.2.1, 16.130.103, 16.130.108, 16.130.305.6.1, 16.130.305.6.2, 16.130.312.6, 16.130.312.9, 16.130.403.2, 16.130.504.3, 16.130.701.2.1, 16.130.715.1, 16.130.904.1, 16.130.1101.1, 16.130.1301, 16.140.100, 16.140.101.5, 16.140.102.10, 16.140.103, 16.140.106.3, 16.140.107, 16.150.100, 16.150.101.3.1, 16.150.101.6, 16.150.103, 16.150.106, 16.150.107, 16.160.100, 16.160.310.14, 16.170.100, 16.170.101.3.1.3, 16.170.130, 16.180.100, 16.180.101.2, 16.180.101.3, 16.180.102.2, 16.180.103, 16.180.106.3, 16.180.107, 16.180.302.2, 16.180.403.1.6, 16.180.404, 16.180.405.2.5, 16.180.405.2.6, 16.180.406.1, 16.180.505.11, 16.180.603.1, 16.180.605.1, 16.180.605.3, 16.180.605.5, 16.180.605.10, 16.180.702.2.1, 16.180.802.2, 16.180.802.7.1, 16.180.805.1, 16.180.903.6.4, 16.180.1202.7, 16.180.102.4, 16.180.403.1, 16.180.404, 16.180.1001, 16.190.100, 16.190.101.1, 16.190.101.5, 16.190.102.3, 16.190.103, 16.190.107.4, 16.190.108.1.4, 16.190.108.7, 16.190.110.1.1, 16.190.111, 16.190.112, 16.190.303.2, 16.190.303.3.1, 16.190.303.7, 16.190.303.14., 16.190.602.3, 16.190.602.4, and 16.190.800 are hereby repealed.

SECTION 189. This ordinance shall take effect and be in force from and after January 1, 2004, and after its publication in *The Overland Park Sun*, an official City newspaper.

PASSED by the City Council this 8th day of December, 2003.

APPROVED by the Mayor this 8th day of December, 2003.

Ed Eilert, Mayor

ATTEST:

Marian Cook
City Clerk

APPROVED AS TO FORM:

J. Bart Budetti
Senior Assistant City Attorney